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INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES

ASSESSMENT OF COUNTER TERRORISM STRATEGIES IN EAST AFRICA:

A CASE OF KENYA

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DECLARATION

I declare that this research project is my original work and has not been presented for another academic award in any other University or Institution.

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This Research Project has been submitted for examination with my approval as the University Supervisor

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DEDICATION

I dedicate this project to my wife Elizabeth and our daughters Purity and Faith.

ACKNOWLEDGEMENT

I thank Almighty God first for his favor, strength and renewed mercies over my life that enabled me complete this study. This study reflects the support and input from many people. I owe a great deal to my supervisor Patrick M. Maluki. I am so grateful for his consistent guidance and support. He was patient with my twists and turns providing encouragement, technical suggestions and ideas for continuous improvement. I was greatly impressed by his ability to read the entire project and provide useful guidance. I learnt a lot from his experience and expertise and could not have asked for another supervisor.

ABSTRACT

The primary objective of this study was to assess the effectiveness of counter-terrorism strategies employed in Kenya. Specifically, the study aimed at examining the counter terrorism strategies used in the East Africa, analyzing the counter terrorism strategies was used in Kenya and establishing effectiveness of counter terrorism mechanism adopted in Kenya and recommend pragmatic policies to enhance strategies that will counter terrorism in Kenya. 540 was the number of the population of this study and they were taken from different institution of the government and non-government which specialized in terrorism issues in Kenya. The study applied both primary and secondary as a source of data. In collection of data, questionnaires were employed. The researcher also used interview guided and small group discussion I order to obtain data. The researcher collected secondary data which was analysed with a desktop technique. Publications were reviewed in the research for radicalization in Kenya. In the publications, there were inclusion of reports from the government, reports by private entities and scholarly articles. The pilot study involved five respondents. The analysis employed the use of both quantitative and qualitative techniques. The study established that most of the respondents were aware of the various forms of counterterrorism measures in Kenya. In addition, the study established that the most applicable counterterrorism measure was used both police and intelligence. The study also found that there were international responses to terrorism in Kenya. The study further established that the measures undertaken jointly by Kenya and the horn of Africa member states were effective. The study found that to a great extent that police and intelligence gathering constitute an integral part of state machinery in the fight against terror. The study further found that to a great extent that AU is vital for overcoming and combating terrorism in member states as a way of filling the gaps left by members due to inadequate mechanism. The study established that the respondents encounter challenges in the fight against terrorism in Kenya. The study also found that the most faced challenge was inadequate training and inadequate funding in the security organizations. These tend to act as a limit barrier is not only acquiring but also utilizing modern terrorism equipment. However, unclear definition of law was the least experienced challenge showing that there were no legal barriers in effecting the counter terrorism strategies. The study concludes that police and intelligence gathering constitute an integral part of state machinery in the fight against terror. The study further concludes that AU is instrumental in overcoming and combating terrorism in member states as a way of filling the gaps left by members due to inadequate mechanism. The study thus concludes that to prevent conflicts and by extension terrorism then priority must be given in addressing underlying root causes of conflicts such as poverty, unemployment, human rights violation, injustice, corruption, marginalization and impunity. The study recommends that the security agents should put measures to ensure increased public participation in countering terrorism. This will create an interactive platform between the security agencies and the local members offering an opportunity to build a rapport enhancing learning and gaining more insight about the members of the public and effectively gathering intelligence. The study also recommends that the tactics and technologies that are modern in counterterrorism should be educated to police. Through this, the available personnel will have the knowledge and expertise on how to respond to terrorist situations. The study also recommends that effective strategies should be put in place in Kenya and East Africa at large to curb terrorist attacks. It is imperative to include cooperative partners in the fight against terrorism.

LIST OF ABBREVIATIONS

ATA:	Anti-Terrorism Assistance
ATPU:	Anti-Terrorism Police Unit
AU:	African Union
CJTF-HOA:	Combined Joint Task Force – Horn of Africa
DCI:	Directorate of Criminal Investigation
EACTI:	East Africa Counter-Terrorism Initiative
FBI:	Federal Bureau of Investigation
ICD:	International Crimes Division
JTTF:	Joint Terrorism Task Force
KDF:	Kenya Defense Forces
MoD:	Ministry of Defense
NCTC:	National Counter-Terrorism Center
NGO:	Non-Governmental Organization
NSAC:	National Security Advisory Committee
NSIS:	National Security Intelligence Service
TIP:	Terrorist Interdiction Program
UN:	United Nations
UNHCR:	United Nations High Commission for Human Rights

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CHAPTER ONE

INTRODUCTION

1.0 Introduction to the Study

The word terrorism originally appeared in the French revolution of (1789-1799) and can be defined as violence and threats utilization to intimidate or compel by force.¹ A significant part of original writing on countering financing of terrorist mentioned clearing speculations and findings regarding these mediations based on limited data of case study relatively. This study will focus in the evaluation of counter terrorism strategies in East Africa.

A report by the office of the United Nations Secretary General in 2004 outlined terrorism as a demonstration anticipated to cause demise on civilians with assurance of scaring a populace or pressuring State-government to halt or champion from playing out any demonstrations.² When targeting non-combatants under war laws, terrorism is a war crime.³ Certain goals can be achieved by fear of terrorism symbol by individuals.⁴

Of all the regions in sub-Saharan Africa, East Africa (EA) is the most vulnerable to terrorism.⁵ The terrorism acts that have been witnessed in nearly all EA countries have moreover been carried out by and beside a state's citizen for a suburban agenda or they have went aboard on additional national or additional local targets, for example, Western

¹ B. Hoffman (1998) targeting non-combatants under war laws, terrorism is a war crime Press.

² United Nations, "UN Reform", 2005-03-21. Retrieved on 25 April 2016, from <https://web.archive.org/web/20070427012107/http://www.un.org/unifeed/script.asp?scriptId=73>

³Ibid

⁴ Ruby, Charles, L., "The Definition of Terrorism," 2002

⁵ Bashir, A.H., 2007

targets situated in the area.⁶ The region has become vulnerable to terrorist activities and it has led to poverty, instability, severe internal and external state conflict and political isolation. Lack of a fully functioning government since 1991 in Somalia due to civil war in Somalia has fueled the spread of violent Islamic radicalism in EA today. Chapter highlights study background and objectives, problems statement, literature review and methodology to employed by this study.

1.1 Background to the Study

There were strategies adopted by Kenya that were dealing with the terrorism and the strategies were built in conjunction with like-minded nations like the United States and the United Kingdom. This came by especially after the August 2001 bombings and the resolution actions by the UN like 1373/01, 1377/01 and 1624/2005. After the US embassy in Kenya was attacked, Kenyan Government took responsibility to combat terrorists within its borders and in Somalia. Kenya needed legal framework from UN, US and Western powers so as to combat terrorism internally and also avoid problems with international law.⁷

The perpetrators are sent to the USA to face judicial justice since we lack the major bodies that would help in dealing with the terrorist and the attacks. The inability for Kenya to put up system that can deal with the terrorism has let for people to use military expertise to eradicate the terrorism being experienced day in day about and this has led to more killings in the country. For this reason, there have been more extrajudicial

⁶Rosand, Millar and Ipe, 2009

⁷Mogire, E., and Agade, K. M. (2011). inability for Kenya to put up system that can deal with the terrorism has let for people to use military expertise, vol. 29, no.4, p. 473

killings in the name of curbing terrorism and hence some other innocent lives are being eliminated. This has led to the non-standardized human rights.

Judiciary in Kenya deals with terror suspects in awkward manner because there are no proper statutes and terrorism crimes have poor case law due to failure of legislature and politics. The Kenyan legal system has a premature international criminal jurisprudence, making it difficult for the courts to make or come up with a system that could help in combating terrorism and the policies to counter terrorism. The act of dealing with terrorism of 2008 and the 2010 constitution has come up with a way that the right to life of people and the human right is protected.⁸

As Mutave,⁹ explains that the responses that the government should show on combatting terrorism include the counterterrorism bill should consist of a legal legislation, there should also forces established to investigate and stop any activity of terrorism and terrorist that might be conspiring in their locations. Kenya has adopted different measures to combat terrorism like going to religious places, house to house by a chosen part of the police in fighting terrorism.

Despite all these strategies at the disposal of the government, terrorist acts in Kenya seem to have persisted. In light of this, one may claim that Countering Terrorism (CT) is a challenge to the Government of Kenya. Review examines ICT strategies in Kenya with an aim of suggesting all-inclusive strategies in CT, in Kenya and the EA.

⁸ Ibid

⁹Mutave, N. M. (2005). concerted efforts by the Kenyan Government and its International partners, the problem of terrorism is increasing:8080/xmlui/handle/123456789/19590

1.2 Statement of the Problem

Kenya has faced numerous terrorist attacks since independence. The most deadly terrorist attacks so far are; The West Gate Mall attack on 21st September 2013 in which 67 people were killed and 175 wounded. The other one is; The Garissa University College of 2nd April 2015. Where 147 people majorly students were killed and 79 wounded.

Despite concerted efforts by the Kenyan Government and its International partners, the problem of terrorism is increasing. Therefore, this study wishes to investigate the counter terrorism strategies which are employed in Kenya to fight terrorism with a view of recommending pragmatic solutions to curb this human menace.

The many attacks that have prevailed internationally have led to imposing of too much force on people all in the name of fighting corruption. However, this has led to distortion of the human rights clause in the international system. There is still a great threat posed by terrorism especially in the human rights.

One-dimensional analysis is the primary problem exhibited by many studies of counterterrorism. There are various examinations that one could look for such a case; for example, Peter Sederberg's (1995) review entitled "Conciliation as a Counter Terrorist Strategy," or Jenna Jordan's review, "When Leaders turn: Assessing Efficiency of Leadership Decapitation." These reviews, while valuable to scholarly network, don't give an exhaustive, unprejudiced investigation. If Policy A and Policy B are established at generally a similar time, and just a single approach is analyzed, at that point it is difficult to reach determinations about adequacy of either strategy. It is wrong to state that Policy

A alone caused a reduction in terrorism, as impacts of Policy B were not considered. During analysis time, effects of all counterterrorist measures should be included in studies to remedy this problem. Results from review will be more accurate if all tactics implemented by government are examined.

1.3 Research Questions

Following research questions guided this study.

1. What are the counter terrorism strategies used in Kenya?
2. To what extent are the counter terrorism strategies used in Kenya effective?
3. What are the major drawbacks involved in counter terrorism strategies adopted in Kenya?

1.4 Objectives of the Study

1.4.1 Main purpose

The most important objective of the research was assessing counter-terrorism long term plans used in Kenya.

1.4.2 Specific Objectives

- i. To assess or examine the counter terrorism strategies or long-term plans used in Kenya.
- ii. To analyze the effectiveness of counter terrorism strategies used in Kenya.
- iii. To explore the challenges involved in counter terrorism strategies employed in Kenya

1.5 Literature Review

1.5.1 Theoretical Review

When talking about counter terrorism strategy, the question of ‘at what cost?’ is relevant. Two opposing schools of thought exist. The moral perfectionists believe existing rights and guarantees should under no circumstances be suspended, while the other school of thought, labeled as false necessity, believes anything is justified in the fight against terrorism.¹⁰ Ignatieff positions himself in between the two opposing groups with the ‘lesser evil approach’. He argues that in the fight against terrorism some liberties will always be sacrificed at the cost of security and vice versa. It is important to choose lesser evils to prevent greater evils from happening.¹¹

Ignatieff contends that sometimes violence is required to keep terror at bay and coercion, violation of rights and violence may be warranted. But how can societies resort to lesser evil, without caving in to the greater evil? How to deal with the terrorist threat without sacrificing your own identity as a country? And what are the moral limits of lesser evils a country can commit in the face of greater evil?¹² According to Ignatieff, authorities need to make choices and are allowed to suspend certain rights if they believe this can forestall greater harm. It is, however, imperative that these decisions that infringe rights are publicly justified. Rights should not become a barrier to government action when needed, but checks and balances are at the heart of the lesser evil approach as

¹⁰ M. Ignatieff, ‘The Lesser Evil’, vii

¹¹ Ibid

¹² Mutave, N. M. (2005). concerted efforts by the Kenyan Government

public authorities need to be forced to explain why they chose a certain balance between liberty and security.¹³

To make this more concrete, Ignatieff's position is that necessity may demand authorities to respond in such a way that it protects democracy and that this policy at the same time strays away from established dignified democratic commitments, although not too far. When for example a hundred people can be saved from a terrorist attack, it may be worth to continuously interrogate a suspect to the limits of his or her ability. Although interrogation like this is a violation of the dignity and rights of the suspect and therefore a wrong thing to do, it would be a lesser evil than allowing a hundred people to get hurt.¹⁴ Crucial in understanding the idea of lesser evil is that while it justifies the resort to some forms of evil, it still regards the measure as evil, only acceptable because other measures would be insufficient.¹⁵ Torturing a suspect for information would be so morally problematic that it is not allowed for in Ignatieff's position.¹⁶ This is because the government must not succumb to the interest of the majority. Government are constrained as they cannot sacrifice the freedom and rights of individuals over the tyranny of the many.¹⁷

Ignatieff therefore argues that "justification necessity and dignity morality minimize harm by clear distinction maintenance of our minds, and never to allow justification of necessity to dissolve characters that are perceived to be morally

¹³concerted efforts by the Kenyan Government

¹⁴Ibid

¹⁵morally problematic that it is not allowed for in Ignatieff's position

¹⁶Ibid

¹⁷Ibid

problematic on necessary measures”.¹⁸ This means that in some instances security may trump rights, but the reasons for doing so must be strong as it can be morally questionable to do so. Therefore, certain limitations must be applied; measures need to be necessary, used as a last resort, need to be strictly targeted, need to be used to a minimal number of people and the measures must be out in the open for public scrutiny.¹⁹ Especially this last part is important, as the people of a country are best able to scrutinize measures and prevent lesser evils from becoming greater evil. Lastly, according to Ignatieff, measures must not violate individual dignity. This means international ratified human rights instruments such as the UN Charter and the Geneva Convention must be kept in mind as foundational obligation to human rights must always preclude cruel punishments.²⁰ One of these rights is the right to a fair trial which means that people must always be provided a fair process by which the government is prevented to abuse its powers. This is the best defense of distinguishing the guilty from the innocent²¹

1.5.2 Empirical Review

This section reviews literature on Terrorism and Counter Terrorism. It aims at identifying and evaluating knowledge and findings of various studies that have been carried out in this area. From literature review, a lot will be mentioned in respect to Terrorism at various levels. The section then sets to identify the gaps in literature reviewed. Etymologically, the term terrorism is derived from a French word terrorism or Latin term meaning great fear. Historically terrorism as a concept was first mentioned

¹⁸Ibid

¹⁹Ibid

²⁰Ibid

²¹Fairtrials, ‘The Right to a Fair Trial’ (2017).

during the French revolution of 1794 described the violent use of state power against its citizens. This epoch was referred to as the “reign of in France. Although serious academic research as terrorism goes back to early 1970s and 1980s²² the turning point was the 9/11 terrorism attack in the USA which served as a catalyst that intensified research effort within the academic circles.²³

I.R highly contests terrorism concept. A hundred definitions are found in terrorism literature. It is challenging to place terrorism under one definition as there are different types of terrorism utilizing various methods and pursuing various goals as argued by Tim Dunnre and James D. Kiras Bruce Hoffmann. Walter Laqueur provides terrorism easiest definition. He says it is “targeting innocent people to achieve an objective that is political by utilizing force that is illegitimate”. Enactment of government policy which is assuring survival and safety of nation state by exercising national diplomacy in military state and power.²⁴ Measures to combat national threats which are undertaken involves national security. Economic, environmental, life quality, technological and food security should be included as security is applied in broadest way. Security issues in the region, nation and globally are concepts that are related. A nation that is progressing, stable and free from external and internal fear is a state called national

²²Grenshaw, 2014

²³ Sageman, 2014

²⁴Muhammad, B., Sadiq, A. A., and Hussaini, T. H. (2015). International Terrorism and Its Implications for National Security in Nigeria. *International Journal of Humanities Social Sciences and Education (IJHSSE)* Volume 2, Issue 10, PP 77-86.

security. Other security examples are- political security, cultural security, and environmental security.²⁵

Impact of security is felt everywhere and challenges cuts across borders. International diplomacy is intertwined with national, regional, and international terrorism. National development and economy is affected by global, national and regional terrorism. Terrorism has been utilized in politics in recent times. Military and political results are achieved by insurgents and state agents by utilizing it because same results cannot be achieved in a conventional battle field or political forum.²⁶ There is public support internationally for the political aspirations in the global reach to cover certain terrorist groups are the three dimensions of Global terrorism. ²⁷. Not contradicting it supporters is Al Qaeda's intent which has global public support. Universal reach is the second dimension of global terrorism. Targets are more exposed and reached to easily by terrorists in this globalized world as stated by Paul Pillar²⁸.

Despite having network of sympathizers and global reach capability, overwhelmingly many terrorist groups think and act locally.²⁹. "New terrorism" theory cannot be connected to "global reach" most vital incidents because they are outdated. It's only Al Qaeda with real global reach. Terrorism is a threat to national security and therefore warrants effective counter strategies. Counter terrorism can be discussed based on deterrence theory as the main theory relating to terrorism and counter terrorism for

²⁵Ibid

²⁶Nwolise O. (2005). Terrorism: Terrorism is a threat to national security and therefore warrants effective counter strategies.

²⁷ Paul R. Pillar, Terrorism and US Foreign Policy (Washington, D.C: Brookings Institution Press, 2001), p. 199.

²⁸ Paul R. Pillar, "Terrorism is a threat to national security and therefore warrants effective counter strategies, Issue 19, Fall 2001, p. 35.

²⁹Terrorism is a threat to national security and therefore warrants effective counter strategies, 2004)

national security. Deterrence assured mutual destruction as it was highly theorized during 1950s and the Cold War era of bipolarity³⁰. Direct nuclear and military wars between U.S and U.S.S.R were averted and foreign relations between the two were defined by deterrence.

Deterrence by punishment and denial are the two tactics emphasized by Glenn Snyder when he elaborated deterrence.³¹ The former is 'danger of hurting something if it makes an undesired move and foe values it';³² Denial deterrence alludes to endeavors made to render assaults on state too expensive to be tried and persuading terrorists regarding state's assurance not to make concessions notwithstanding dread strategies³³. Benefits and cost calculations sufficiently influencing adversary decision-making and threat understanding of threatened party are the two vital conditions needed for occurrence of deterrence to take place within counter-terrorism context as said by Trager and Zagorcheva.³⁴

Deterrence of contemporary terrorism has not been able to be thwarted by deterrence theory because its context was developed within Cold War great power politics.³⁵ With conclusion of a bipolar worldwide framework after Cold War and heightening of globalization forms, nature of equipped clashes has changed significantly as last twentieth-century face out and start of twenty-first century saw expansion of

³⁰ Luke, Timothy 'Deterrence of contemporary terrorism has not been able to be thwarted by deterrence theory, 1993, p229-258

³¹Benefits and cost calculations sufficiently influencing adversary decision-making and threat understanding, p. 14-16.

³²ibid

³³ Trager, "Deterring Terrorism," p. 91.

³⁴*Ibid.*, p. 91

³⁵Stanford: Stanford University Press, 1999

interior, "low-force" awry clashes³⁶. Fighting is being waged within "ethnic and territorial lines" and state authority is challenged with conflicts due to deterrence theory application consequences.³⁷ Indeed, multiplication of sub-state and transnational gatherings demonstrates that both power utilization is not the imposing business model of state and inspirations that support state conduct don't really apply to non-state performers. State cannot give certainty of equal effect on sub-state actors and terrorist organizations on utilizing same strategies in deterring the U.S. or U.S.S.R. during the Cold War.

Deterrence theory has been viewed that it is an unsuitable strategy in significantly countering contemporary terrorism as stated by experts and policy makers who have rejected it, terrorists have specific goals and interests according to terrorism contextualization as highlighted by academic literature body³⁸, in news and print media, terrorists are viewed as irrational actors who are outside academia context and are 'unresponsive to deterrence requirements which are cost-benefit calculation.'³⁹ Terrorists are very motivated and one cannot reason or deter with them because they have strong religious beliefs hence increase in suicide terrorism: suicide terrorists are ready to die and are not deterred by any form of fear as stated by Pape.⁴⁰⁴¹ States continue to utilize punishment and denial to deter terrorist organizations in combating terrorism despite deterrence theory being stated to be inapplicable and assumption brought up by the fact of terrorist "irrationality" and motivations.

³⁶Scholte, Jan twenty-first century saw expansion of interior, "low-force" awry clashes, 2005)

³⁷In news and print media, terrorists are viewed wrongly.), p. 345. See Appendix 2

³⁸Sisler, Vit, 2008, irrational actors who are outside academia context and are 'unresponsive to deterrence requirements which are cost-benefit calculation 1, 2008

³⁹Höglund, Johan 'Electronic Empire: irrational actors who are outside academia context and are 'unresponsive to deterrence requirements which are cost-benefit calculation, Vol 8, Issue 1, 2008

⁴⁰ibid

⁴¹Lord Hood, Halo 2

Another relevant theory in combating terrorism is the game theory. The game theory also relates to terrorism and counter terrorism. Terrorists utilize preferences and goals to rank their strategies as implied by rationality. They amplify their utility inside budgetary requirements on grounds that their activities rely upon relative expenses of legitimate and unlawful exercises, relative picks up between these two kinds of exercises and their aggregate assets accessible.⁴² Resource combination is rational for them to achieve their goals regardless of whether their goals are terrible from a 'rational' perspective.

When continuous choice variables are investigated for transnational terrorism, dilemmas also arise. Proactive measures are associated with little action while defensive measures are to too much action. This is because targeted governments have strategic substitutes as proactive responses and strategic complements for defensive responses. Terrorist military and political wings are understood by utilizing these strategic concepts. Diversion theoretic ideas additionally illuminate about related security decisions where the wellbeing accomplished by one in danger specialist is reliant on its insurances as well as on those of different operators. International cooperation numerous pitfalls aspects are analyzed by coordination games – like, safe haven denial and freezing assets of terrorists.

Behavior under risk and uncertainty is allowed by game theory. And finally, when game rules are changed, behavior change is explained.⁴³ It is difficult to state the pay-offs because it is difficult to measure economic and political implications. Assessing of strategies is difficult because decisions are made on multiple stages by different actors in

⁴²Sandler, (2004)

⁴³Sandler, Arce (2003)

the game, identifying different players in the sub-games is reasonable so that difficulties can be on terms with people.

1.5.3 Conceptualization of Terrorism

Awareness of contemporary terrorism has been raised since the US terrorist attack in 11/9/2001; but in a manner that was shallow. Today Al-Qaeda and violence of Islam's is equated with terrorism to be particular. Concept of terrorism originates from French Revolution. Broad character of terrorism is illustrated by Schmidt's typology. Religious, single issue, social revolutionary, separatist and nationalist and right-wing and racist terrorism are the five types of terrorism described by Schmidt.⁴⁴

Ruthless and extensive violence ways are utilized by new-style terrorists as they are global too. Massive destructions and increment in casualties have risen by new form of terror as stated by Gupta; hence is connected to advanced technology, weapons, systems of communication and transport.⁴⁵ Network organizations are highly compared with terrorist groups. Unique operation levels are coordinated and networked loosely by the new form of terror.⁴⁶

1.5.4 Global Perspective on Counter Terrorism Strategies

There are many costly risks that are associated by terrorism. There are different strategies that have been put forward by some countries in order to deal with terrorism. The authorities that are responsible with dealing with terrorism have. Any strategy that

⁴⁴United States Department of Homeland Security 2005

⁴⁵Gupta, D.K., New York attack:
Routledge, 2005.

⁴⁶Sahar Mohammad, 2005

have been brought about to help in dealing with terrorism related issues is always accepted even if it's not applauded especially when it comes to expediting the involved persons. The handling of the suspects, the transportation, the judgment and the interrogation that happens to the suspects of terrorism has somehow raised question. The questions raised are mainly related to the human right act internationally. The fact that people do not agree with the way some governments deal with the terrorism, there should be a way that brings the perpetrators to justice so that the human right are not violated. At this stage, this is where the government strategies in curbing terrorism collide with the rights of human.⁴⁷

Detention is one among the strategies used in counter-terrorism. Association with reasons like individuals' protection, pretrial custody or post-conviction punishment is when individuals can be detained involuntarily.⁴⁸ Prevention is primarily purpose of counter-terrorist detention but it depicts a different character because it is terrorists' suspects' detention unlike the real convicts of terrorism.⁴⁹ Prevention of engaging in activities of terrorism and disruption of others involved in terrorism by acquiring intelligence or information on a utilitarian level is the reason why terrorism suspects are detained. By manifesting coercive capacity of state threatened is why terrorist suspects are detained on the semantic level. In particular where detention occurs in a way that rule

⁴⁷Whittake, J. 2005 book of USA on terrorattacks 200-500.

⁴⁸ de Londras, F. (2014). Prevention is primarily purpose of counter-terrorist detention but it depicts a different character =2399477

⁴⁹ de Londras, F. (2013). 'Prevention of engaging in activities of terrorism and disruption of others involved in terrorism by acquiring intelligence (CUP, 2013).

of law established is challenged, it communicates willingness of a state to do anything necessary in protecting its policy and not do what is legally permissible ‘merely’.⁵⁰

International human rights law has to be stringent when it comes to keeping states on board and rights protection as per counter-terrorist detention context. These are the reflections of the commitments in international laws in terrorist violence context and are the derogations system and states flexibility afforded to them.⁵¹

Challenging detention lawfulness by a detainee is the true way of showing how the law protects or doesn’t protect the rights of persons in context of counter-terrorist.⁵² It is this limit, and arrangement of a thorough procedure to encourage it, that gives the center defend from subjective counter-terrorist confinement. The law of people globally needs a judge or court to evaluate consistence with procedural necessities in residential law, sensibility of doubt that structures reason for confinement, and authenticity of motivation behind detainment.⁵³

Alteration in the regime of international human rights law application occurs in a state that the counter-terrorist detention policy designed and executed is declared an emergency.⁵⁴ Action is taken to confrontation perceived threat by state’s capacity and protection rights level reduced by derogation permit. Terrorism suspects may be held by a

⁵⁰ Ben Saul, B. (2014). Challenging detention lawfulness by a detainee is the true way of showing how the law protects or doesn’t protect the rights of persons =2399477

⁵¹ Gross, O., and NíAoláin, F. (2006). The law of people globally needs a judge or court to evaluate consistence with procedural necessities in residential law (CUP 2006), Ch 7.

⁵² ICCPR, 2016 7(4), (6).

⁵³ Terrorism suspects may be held by a state that has been permitted to do so instead of trial or charging them May 1995.

⁵⁴ ICCPR, 2016 art125 cap 27.

state that has been permitted to do so instead of trial or charging them, or than low proof standard than expected. Nonetheless, aware of the vulnerabilities that are knowledgeable about confinement, universal organizations call for privilege to question the legality of one's detention stays in constrain notwithstanding when a state has disparaged.⁵⁵

1.5.5 Counter-Terrorism Strategies in East Africa

Horn of Africa was pushed to new insecurity levels after a arranged attack on US embassy in Kampala failed and also after the bombing of the US embassies in Nairobi and Dar es Salaam in 7 August 1998. 86 Tanzanians and 5,000 Kenyans were injured and 263 people died in the attacks.⁵⁶ Security strategy of America towards Africa changed dramatically because of ‘war on terror’ led by U.S.⁵⁷ Horn of Africa and East Africa were thrown to counter-terrorism global center stage. Fragile democracies and overall policies were put at risk by Washington’s high-handed military when they launched a robust counter-terrorist campaign hence proxy wars could be triggered.⁵⁸

Terror has been utilized politically both by state and non-state actors hence insecurity in the Horn. Vigilantes, bandits, pirates, cattle rustlers and guerillas have been included in terrorism nomenclature for long. Terrorism was given a Muslim face because of how Muslim radicalism was spread in the 1990s. There is conflict in the horn between jihadists and Huntingtonian⁵⁹ evoking enemies because of Islamism as observed by de

⁵⁵Terrorism was given a Muslim face because of how Muslim radicalism was spread in the 1990s, (17 November 2005)

⁵⁶ Op cit, Barkan, pp 87–100.

⁵⁷Kagwanja, P. (2006). There is conflict in the horn between jihadists and Huntingtonian⁵⁷ evoking enemies because of Islamism as observed by de Waal, Volume 15, Issue 3, 72-86.

⁵⁸ Ibid, Kagwanja (2006).

⁵⁹ Huntington, S. (1996). ‘ceaseless underdevelopment and a profound feeling of minimization, New York.

Waal,⁶⁰ . In the Horn of Africa, the security situation has had mixed impact due to counter-terrorism. Horn of Africa had to reconsider their security priorities broadly, because new security frontiers were opened due to efforts against terrorism.⁶¹ Regimes were enabled by old security perspectives encouragement from campaign against terrorism to utilize terrorism instrumentally for political ends hence providing state stability.

Enactment of counter-terrorism laws that threatened widening of religious fissures and human rights by African governments to respond to terrorism threatened fragile states stability. Alienation with the US's sweeping meaning of national threat inside Africa has brought about ineffective harmonization amongst local and worldwide counter-fear based oppressor activities, making counter-fear based oppression one of fragile connections of Africa's tranquility and security plan which has developed in the aegis of (AU) from 2002. Washington's counter-efforts against national threat which included (EACTI) and (CJTF-HOA) had to focus on Horn of Africa because it was regarded as a risky region as US security strategy focus increased on Africa. Fragile democracies like Kenya have been imperiled because of US's counter-terrorism high-handed approach.⁶² Insecurity in Somalia has escalated and risk of war occurring rising because of lapsing of a policy that states strategy of combating terror is by backing warlords.⁶³

⁶⁰ de Waal, A. (2004). 'Horn of Africa and East Africa were thrown to counter-terrorism global center stage, Ethiopia.

⁶¹Ibid Tadese, M. (2004).

⁶²Barkan, J. (2004). Horn of Africa and East Africa were thrown to counter-terrorism global center stage s, 83(1), pp 87–100.

⁶³Ibid International Crisis Group (ICG) (2006)..

1.5.6 Contextualizing the Counter-Terrorism in EA

Empirical studies on radicalization utilizing sophisticated methodologies in countering terror influenced implementation of U.S and Africa partnership against terror.⁶⁴ Terrorist's ideology and radicalization are addressed by a dedicated subset to counter-extremism despite development, democracy sustenance, governance and security being main aim of U.S to offer assistance to East Africa on. These projects are executed deliberately to target networks thought to be "at-the-hazard" of not been a recipient of other advancement programs that would have generally diminished their possibility of taking part in or supporting terror.⁶⁵

Terror drivers should be distinguished and categorized into main domains as emphasized by USAID report of 2009. Terrorist organizations recruitments are drivers that firstly contribute; Activity tolerance or support of community is second; and enabling of environment conducive for terror attacks is third. Knowledge of the specific country and location of community therefore need to be sought after when designing counter terror programs regarding radicalization dynamics and root causes of terror. Evaluation of appropriate counter terror responses in East Africa has to ensure continual evaluation of driver like cultural, socioeconomic and political factors.

While those drivers are recognized, it is anyway vital to take note that majority of those influenced by distinguished drivers have not depended on utilization of dread to review their predicament and furthermore not sure that few minorities among the influenced that turned to violence were exclusively determined by those drivers.

⁶⁴ Bureau of African Affairs, 12, 2010.

⁶⁵ USAID 2012.

Subsequently, basic social and financial conditions, like destitution, joblessness and minimization, may be unbalanced to to terror risk increment, and might be perceived as an indirect impetus which fuel social and ideological variables held by terrorists.⁶⁶

Radicalization pathways vary in East Africa among Muslim communities although similar themes are available. Members recruitment, manipulating psychologically and sympathy and support pull is done by Al-Shabaab and Al-Qaeda by utilizing “victimization narrative” strategy. The strategy is viable in Kenya because societal discrimination prevalent. In Kenya, the Muslim population is denser in the former Coast, Northeastern Provinces, and in certain Nairobi neighborhoods. There are poor investments in infrastructure and delivery of service in those areas to rest of the country.⁶⁷

Al-Qaeda and its affiliate’s efforts have been deterred by utilizing campaigns and counter terror efforts in East Africa following the US embassy bombing in Kenya and Tanzania in 1998. Aims to counter terror presence in East Africa were done by (DoS) establishing (EACTI) and (EARSI).⁶⁸ Somalia experienced some specific operations counterterror in the mid-2000s because it was exposed to increased operations of terror. Regional and sub-regional entities like Warlords, IGAD and AU in Somalia capacity enhancement against terrorism was focused on by (DoS).

⁶⁶Ibid

⁶⁷Ibid

⁶⁸Ibid

Strategy implementation and formulation of robust policies were prioritized by Secretary of State for Africa office in 2005 in Somalia counter-terrorism. TFG was reinforced to a military and governing force as U.S was supporting Somali warlords against (ICU). Massive support of ICU by Somalis led to failure of warlords' victory by U.S backing. Utilizing of Sharia law and trial by ICU courts increased.

After defeat of warlords, Secretary of State for Africa office made consultations with Ethiopian leaders leading to the invasion of Somalia by Ethiopia in December 2006. US military assistance to Ethiopia increased during invasion.⁶⁹ Presence of peacekeeping force in Somalia was approved by AU together with the office of the Secretary of State and DoS. It led to emergence of AMISOM and TFG forces.

“Global War on Terror” is the Bush doctrine context best understood by approach of U.S in Somalia in the top-down security. U.S utilized “nation-building” in finding stability in Afghanistan and Iraq having destroyed the states previously after invading them in 2001 and 2003 respectively.⁷⁰ Bottom-up initiatives were neglected but top-down reconstruction in both countries was instituted by U.S until 2007. U.S utilized same approach in Somalia before a reproach.⁷¹

AMISOM forces utilized about \$650 million given by U.S between 2007 and 2012 in their supporting, training and equipping; ACOTA program on Ugandan and Burundian forces utilized almost half the amount –\$385 million between 2007 and 2012. The West and allies including European targets were threatened to be attacked by Al-

⁶⁹ Briefing, European targets were threatened to be attacked by Al-Shabaab in 2007, 2012

⁷⁰Ibid James Dobbins et al, 2003.

⁷¹Ibid

Shabaab in 2007. Ethiopia pulled back their support leaving AMSIOM and the TFG with little hope of success two years after threat. Corruption and other factors made it not possible for TGF fail in its mandate of reconstituting Somalia by creating pathways.⁷² Somalia was regarded as a failed state because it was not able to protect its citizens

Mogadishu was secured by AMISOM and the TFG from Al-Shabaab control in 2011. Jubaland and Kismayo in South-Central Somalia got additional gains from support of Ethiopian and Kenyan forces.⁷³ Kismayo port city takeover from control of Al-Shabaab in October 2012 was very significant. It brought about peace in the area and Somalia elected a president in 2012 hence and administrative structure constitution. Combating attacks within and outside Somalia seems to be weak hence increment in Al-Shabaab activities because national forces security apparatus are weak.

1.5.7 Counter-Terrorism in Kenya

The outcomes of terrorism in Kenya and globally has continuously be a threat to peace and prosperity.⁷⁴ The problem has persisted in the global picture and now it has joined the technological way in which terrorism is being conducted. As an outcome, governments have come up with a way in dealing with the terrors. For example, a body that deals with terrorism has been brought up, the economic conditions have been improved, security details have been enhanced, there has been an increase in the diplomatic involvement of the Kenyan government. However, apart from the measures being implemented, there is still a real risk of terrorism in the country. This is due to the

⁷² Le Sage, 2010.

⁷³Ibid

⁷⁴Masese, H. M. (2007). 123456789/20969

state of the Kenyan economy, the cleavages in some parts of the country and the county's location geographically. This create a challenge to the government and its need to come up with new ways of dealing with terrorism like direct engagement with diplomats, involving private and public sectors, the proactiveness in counter-terrorisms matters and security forces enhancements.⁷⁵

Munyao⁷⁶ did extermination on the terrorism phenomenon and its development throughout time i.e. 1980-2005 and the measures of counter-terrorism globally, nationally and locally. In his study, there were conclusions that Kenya has been above average in war against terrorism even though there has not been enough emphasis on the anti-terror laws. The cooperation in the global region has been seen as the only way to help in winning the war of terrorism. The phenomenon was fit to work in war against terror since it knows no boundary and it can be applied anywhere in the. Munyao⁷⁷ In Kenya, the main challenges on curbing terrorism has been, corruption, lack of anti-terrorism laws and political instabilities among parties, and for the war to be won, the States' national interests, independence, and sovereignty must be surmounted before the war.

Terrorism has been able to be curbed by characterization of Africa's response that was initial of victims basing them on denial on host terrorist and terrorism.⁷⁸ A special unit on countering terrorist consisting of police force officers was formed in February

⁷⁵ Ibid, Masese (2007).

⁷⁶Ibid .

⁷⁷ Ibid, Munyao (2006)Horn of Africa and East Africa were thrown to counter-terrorism global center stage.

⁷⁸Ibid Mbugua (2004). 31-37.

2003. In 1994 cell set up by Osama's secretary Wadi el-Hage was unearthed and eliminated by Interpol, FBI and the special unit.⁷⁹

From May 2003, two Kenyan army battalions were stationed along the Kenyan-Somalia border. Pirates and terrorists are able to enter the country due to lack of proper patrolling of the Indian Ocean coastline and ports because of few boats and individuals. Al-Qaeda agents are able to gain entry because Somalia has never had navy or coast guards since 1991. Attacks have increased from two attacks in 2004 to 35 in 2005 by pirates on cargo and passenger vessels.⁸⁰

Implementation of capacity boosting of Kenya Navy to guard and secure the Kenyan coastline has not yet started. An inter-ministerial task force to combat Terrorism Financing and Anti-Money Laundering was established. To shut down terrorism financing channels, taskforce had to recommend national policy formulation ways and existing legislation was reviewed.

1.5.8 Summary of Research Gaps

The literature reviewed indicates that countries are faced with the problem of terrorism which has been a major security challenge. Literature revealed that strategies adopted to counter terrorism in Africa are ineffective. This calls for a study on counter-terrorism strategies used in Kenya. However, the literature reviewed indicates that there is limited research on the counter-terrorism strategies used in Kenya and Africa as a

⁷⁹Ibid 2004.

⁸⁰Ibid 2017 Horn of Africa and East Africa were thrown to counter-terrorism global center stage

whole. Therefore, this study seeks to bridge the research gap by examining counter-terrorism strategies used in Kenya.

1.6 Justification of the Study

Terrorism has affected many countries in the EA region, with this, many counter-terrorism strategies have been employed by many countries. Even with the adoption of the various strategies, terrorism in the region is still on the rise. Examination of the effectiveness of such strategies in countering terrorism is of essence. This section highlights how such an examination would be of significance to various stakeholders.

1.6.1 Academic Justification

There should be a review in the counter-terrorism laws and this will be of help to the government. The efforts put forward by the government to fight against terrorism will be put to practice. The future scholars will also get help from this study by acquiring future reference for any study related to this and in any strategies to counter terror. The research will present literature that will be used by scholars in their academic research and assignments. Further research will be based on terrorism and counter terrorism strategies.

1.6.2 Policy Justification

From this study the government will be able to review its policies on counter terrorism. In 2002 and 2005 conventions, Kenya signed and ratified treaties to counter terrorism and had previously committed to the eleven existing international treaties which they also signed and ratified. ⁸¹ Practical and structural actions in countering terrorism

⁸¹ UN council 2002/09/29

have been further implemented. Relevant international counter terrorism obligations of Kenya with UN Security Council resolutions; previous terrorist attacks on US and Israeli interests in Kenya and Somalia's geographical proximity; and Kenya becoming a strategic partner in implementing the US-led war on terror are the contributing factors to the prioritization.⁸² For this reason, the mechanism used for the fight against terrorism should be reviewed. This study assesses the efficiency of counter-terrorism mechanism used in Kenya.

1.7 Theoretical Framework

This study will be anchored on deterrence theory that was hypothesized by Thomas Hobbes in 1588.

1.7.1 Deterrence Theory

The deterrence theory was postulated by Thomas Hobbes in 1588. The theory was revised by Cesare Beccaria in 1738, and Jeremy Bentham in 1748. The theory has been popularized by Schelling and Glenn Snyder in the 19th Century as a relevant theoretical orientation to analyze effective strategies to combat terrorism. Western criminal law and justice systems key intellectual foundation was brought about by deterrence hypothesis. Policies like “three strikes” laws, increment in penalties, sentencing and conviction certainty, intense police hiring and construction of more prisons has been favored by deterrence theory adherents. Participation of crime by future offenders shall be curtailed and recidivism of offenders reduced by these policies.

⁸² Ibid, pp. 31.

Deterrence doctrine philosophical ideas, its humanitarian orientation, and its implications for punishment were focus of review prior to 1960s. Punishment severity and certainty deter homicide as per research done in 1968 on testing deterrence theory. When punishment certainty is reasonably guaranteed, crime can be deterred by severity and can also be deterred by imprisonment certainty. This is according to criminologist Charles Tittle who conducted research in 1969 who found theory support.

Expansion of traditional assets and values associated with inter-state coercive relations deters terrorism as per Deterrence theory.⁸³ Rather than concentrating on values related with customary state-based prevention, for example, sway, regional control, political honesty, effective reaches, and financial quality, discouraging warfare places accentuation on focusing on the qualities that activists love, similar to attention, strategies and tactics to victory, leading, and other material resources.⁸⁴

Likewise, however many groups of militants do not have the conventional regionally based resources against which established dangers of discipline and countering may be issued an issue called the arrival address issue militants do clutch and try to secure different ways in which nations can threaten to hurt, limit, or obliterate. Furthermore, relatedly, on the grounds that some militant as-sets rest past the domain deserving of military or active devastation alone, the coercive procedure associated with stopping terrorism frequently depends on instruments which are non-dynamic and objectives of non-physical assets and resources. For instance, states may join, fortify,

⁸³Wilner, A. (2015). on the grounds that some militant as-sets rest past the domain deserving of military or active devastation alone, 10, 14:59.

⁸⁴ Wenger, A., & Wilner, A. (2012). Rather than concentrating on values related with customary state-based prevention. Q. 19, 17.

force, or persuade nearby, territorial, outside, and virtual (on the web) networks; influential leaders and religious or inborn older folks; young people and college based social developments; and NGOs or common society performers to control social disappointment with, and disdain of, a specific militant movement. This is an element of prevention by illegitimate, in which activists' political, ideological capacity, or spiritual reasons and aims which rest past dynamic pulverization—are utilized beside them to influence open feeling, stem enrollment, adjust conduct, and discourage bolster for supporting viciousness.⁸⁵

In a takeoff from conventional, cold war-time discouragement in which essential spotlight was to a great extent set on states and superpowers, and on their outside and military relations, prevention researchers currently put more prominent consideration on individual actors and sub-bunches that constitute or bolster activist associations, alongside individual procedures engaged with coordinating terrorism. Application of influence against variety of different processes and terrorist actors has been identified by scholars by understanding terrorism in a certain way. Terrorism unpacking makes us think about bomb-makers; religious ideologues; deterring militant leaders; foot soldiers; and state supporters.⁸⁶

⁸⁵Lantis, J. (2009). Policies like “three strikes” laws, increment in penalties, sentencing and conviction certainty 467, 476–78.

⁸⁶Ibid Wilner, (2015). 14:59.

1.8 Hypotheses of the Study

- i. State centric approaches of countering terrorism in EA have failed to combat terrorism
- ii. An all-inclusive approach of counter terrorism strategy will succeed in fighting terrorism

1.9 Research Methodology

1.9.1 Research Design

Experimental, correlational, meta-analytic, review and semi-experimental are research types defined by study design.⁸⁷ Subjects offer situations which are critical or unusual hence need of a specific situation to be selected by researcher in case study. It ensures better understanding and multiple perspectives to be utilized in reviewing issue.⁸⁸

1.9.2 Target Population

The objective populace included governmental and non-governmental institutions doing counter terrorism issues in Kenya. Populace is the entire group of respondents, actions or objects having common personality.⁸⁹ For overall perception, sample size should be big. Saturation attainment was utilized to achieve this.⁹⁰ Fischer's formula was adopted.

⁸⁷Ibid Creswell, (2012).

⁸⁸Ibid Baxter, Qualitative Case Study Methodology in terrorism.

⁸⁹Mugenda, O. M., and Mugenda, A. G. (2003). *Research methods: Quantitative and qualitative approaches*. Nairobi: Acts Press.

⁹⁰Ibid Glaser, (1967).

$$n = \frac{Z^2 Pq}{d^2}$$

n= desired sample size

z=standard normal deviate (1.96) that corresponds to 95% confidence level.

p= the proportion in the target population with a specific characteristic (15% CPR)

$$q=1.0-p$$

d= the degree of accuracy desired (0.05 will be used)

$$n = \frac{1.96^2 \times 0.15 \times 0.85}{0.05^2}$$

$$n = 195.9$$

$$n = 196$$

For each of the sub categories a total of (196/6) 32 individuals will be targeted

Respondent's distribution were as follows.

Target	Number
Kenya Defense Forces (KDF	32
National Counter-Terrorism Center	32
Directorate of Criminal Investigation	32
National Security Intelligence Service	32
Anti-Terrorism Police Unit	32
Ministry of Interior and Internal Coordination and Ministry of Defense	32
Total	192

1.9.3 Sampling Procedure

The study adopted purposive sampling which was based on judgment of researcher in identifying study participants with knowledge on counter terrorism strategies adopted by Kenya. When skill of a specific type is required by informants in review, purposive sampling was appropriate.⁹¹ Purposive sampling was used in the selection of major informer from Kenya Defense Forces (KDF), National Counter-Terrorism Center (NCTC), Directorate of Criminal Investigation (DCI), (NSIS), (ATPU), Ministry of Interior and Internal Coordination and Ministry of Defense (MoD).

1.9.4 Data Collection Instruments

There was utilization of primary data and in this case, questionnaires were used together with interview guides and group chats for collection of primary data. Quantitative data and qualitative data were obtained⁹². The learned people got access to the questionnaires. When using questionnaires work is made easier since interpretation is simple. The secondary data was obtained so that primary data would be supplemented by it. A desktop technique was used in collection of secondary data. The material to be studied involved the review of publication on radicalization in Kenya. Reports from the government, the private entities and the scholars were used.

1.9.5 Validity and Reliability

Research instruments reliability and validity were established by conducting a pilot study. The pilot study involved 5 respondents and data collected was not included in the final analysis.

⁹¹Ibid Creswell, J.W. (2012).

⁹²Orodho, A. J. (2004). Research methods. Nairobi: Kenyatta University, Institute of Open Learning.

(i) Validity

The level of how a concept is represented by empirical measure accurately of a concept is validity.⁹³ Pilot study carried out on 5 respondents to determine research instruments validity. Scholar also consulted with supervisor and experts in radicalization.

(ii) Reliability

As per Joppe⁹⁴ results consistency over time is reliability and accurately representing total populace under review is also called reliability and research instrument is considered reliable if similar methodology can be used to reproduce review results. Cronbach Alpha of the data collected in study determined questionnaire reliability. Internal consistency of data collected in questionnaire was measured by Cronbach's alpha. Cronbach's alpha (α) ≥ 0.9 show excellent $0.7 \leq \alpha < 0.9$ good $0.6 \leq \alpha < 0.7$ acceptable excellent $0.5 \leq \alpha < 0.6$ poor excellent and $\alpha < 0.5$ unacceptable excellent internal consistency.

1.9.6 Data Analysis

Qualitative and quantitative data were collected. Percentages and frequencies were used to analyze quantitative data. SPSS code was used to code and analyze data. SPSS coded and analyze data hence descriptive statistics generated. Pie charts and tables were utilized to present data. Prose form was used in narration. Content analysis was used to analyze discussions from focus groups and interviews by qualitative data. Certain words presence

⁹³Ibid, Orodho (2004).

⁹⁴Ibid.

or texts were determined by content analysis which is a research tool. It employs a set of categorizations for making valid and replicable inferences from data to their context.⁹⁵

1.9.7 Ethical Considerations

The researcher assured the respondents of their privacy and confidentiality of the information they give by ensuring that all participants remain anonymous in the study by not indicating names on the questionnaires. Before embarking on the study, a permit from NACOSTI was obtained by researcher. Researcher also ensured that participants in the research were not armed psychologically, physically or morally in due course of the research.

1.9.8 Scope and Limitations of the Study

Kenya was targeted as the main review for this study since it has continuously been facing terrorism attack mainly from al Shabab and the government has been trying to fight it by implementation of different strategies to curb the war on terrorism. The main study focused on strategies put forward by the government on counter terrorism in Kenya. Both the government and non-governmental institution were the main focus in the study area. Questionnaires were employed during collection of data and interview guides, they were later analyzed descriptively. There was limitation on the result findings since they were not generalized in all the regions in the globe since there were differences in governmental policies and strategies on counter terrorism. The study also focuses on east African countries

⁹⁵Baulcomb, J. (2003) Continues war and terrorism attacks in the global face. 11 (4): 275-280

1.10 Chapter Outline

The study was organized into five chapters. The first chapter described the study background and objectives, problem statement and brief literature review. The second chapter highlighted the counter terrorism measures in Kenya; third chapter delved in effectiveness of counter terrorism strategies used in Kenya; the fourth chapter was a critical analysis of the challenges involved in counter terrorism strategies employed in Kenya; and the last chapter will cover conclusion and recommendations for further studies.

CHAPTER TWO

STRATEGIES FOR COUNTERING TERRORISM IN KENYA

2.0 Introduction

This chapter will discuss the strategies for countering terrorism in Kenya. Kenya as a country has been a prime target and has faced an ongoing terrorist danger from Al-Shabaab, the chief terror threat in the HOA for several reasons. The inclusion factors of Islamic radicalization in the region either economically, socially, geographically or even politically. The coastal beach and tourism which threatens the culture of Islam, a county with social economic activities that are poor, marginalizing the Muslim since they are the lesser group, the proximity of Kenya to Somalia geographically, Somalia being the headquarters of al-Shabaab, having neighbors who are unstable like Sudan and Somalia, having penetrable borders between Kenya and Somalia, the historical bond between Kenya and Israel among other west nations.

2.1 Strategies for Counterterrorism in Kenya

2.1.1 Military Strategy

Military is an instrument of power used by states to combat threats directed to its territory and to secure the nation from external threats. One of the most effective tools for counterterrorism is the military action. The tool has a physical measure at it has been applied in Afghanistan in Operation Enduring freedom where the structures for Al Qaeda were dismantled capturing and killing many terrorists⁹⁶. It was also witnessed in southern Somalia, known as Operation Linda Nchi (Swahili for “Protect the Country”) initiated by

⁹⁶ Ibid.

the government of Kenya is a military strategy employed in 2011 to combat terrorism in the region which had de-stabilized statehood. The Kenyan Defense Forces (KDF) invasion to Somalia re-amplified the already existing military incursion led by AMISOM to combat terrorism and stabilize the war-torn country in the Horn of Africa.

2.1.2 Police and Intelligence Assets

Police and intelligence gathering constitute an integral part of state machinery in the fight against terror. Police forces are mandated with homeland security of their nations and are responsible for maintenance of law and order. Intelligence gathering and dissemination remain to be an invaluable asset in police operation as it forms the basis upon which police can detect an eminent crime and thwart it before it is actualized. Police and intelligence services in Kenya remain a central pillar in war against terror. Efficiency enforcement of law and enhanced intelligence gathering have contributed to the disruption of terrorists' cells in Kenya and foiling of planned terrorist attacks directed to the country⁹⁷. Among the achievement of the police in fight against terrorism include the arrest of terrorist suspects in August 2003 who were organizing terrorist attacks targeting US, British, and Israeli diplomatic missions and tourist's hubs and airlines in Kenya. In other move, the police seized an arms cache and recovered ammunition for AK-47 assault rifles, five shoulder-launch missiles and a hand grenade in Mombasa.

⁹⁷ Ibid.

2.1.3 Legislative and Financial Controls

Ineffectual legislation has made Kenya vulnerable for easy exploitation by terrorist and money laundering. Terrorist groups have for a long time exploited the weak financial system and monitoring to facilitate transfer of money to fund terrorist activities undetected. There has existed a system of money transfer popularly referred to as hawala which has been for a long time been associated with aiding terrorist activities in Somalia⁹⁸. The hawala money transfer system is dysfunctional making it impossible to fight money laundering since the system does not leave paper trails. Huge amounts of money have been transferred through the system undetected and it has ended financing terror activities. The government of Kenya has responded to this particular economic crime through the cabinet approval of the Crime and Money Laundering (prevention) Bill of 2004, which empowers the law enforcement officials to identify, trace, and freeze proceeds from crimes and stipulates policies that help in money laundering by requiring that both the financial institutions and designated nonfinancial institutions to take prudent measures. The recent move has seen the closure of all Hawalas and freezing of bank accounts of individuals the government suspected of facilitating terror activities following the massacre of 142 students in Garissa University College.

2.2 Role of in Regional bodies in fighting terrorism in Kenya

Makinda M.S (2004) security between terrorism and counter terrorism: an international society perspective Perth Murdoch, they are continuously focusing on the facts that have locally being implemented by terror gangs in a way that they come up

Makinda M.S (2004) security between terrorism and counter terrorism: an international society perspective Perth Murdoch⁹⁸Omelicheva, M. Y. (2010). Security Violations in the Context of Counterterrorism: An Analysis of the Post- Soviet Nations. The International Journal of Human Rights, 166- 188.

with a way to terrorize people, the organization have taken measures in combatting counterterrorism locally and globally by coming up with some objectives that will ensure terrorism is stopped and the human right is not violated and by doing so they ensure the strategies are implemented in local society and around the globe⁹⁹. The efforts that the organs have tried to implement include sharing of food and knowledge about terror attacks among other countries. They also use the lessons they have learned to try and adjust their objectives to suit a well and stable counterterrorism objective.

2.2.1 African Union

Though the post 9-11 era is touted a significant landmark in curbing terrorism, global and regional counter-terrorism efforts actually date back to a much earlier era. Contrary to this prevailing assumption, various legislations and institutional frameworks have been developed to address different forms of terrorism at the global level starting from the 1960's. The international community adopted about 12 conventions dealing with different aspects of terrorism between 1963 and 1999 which are still serving as some of the key universal instruments to date.³ In the context of the African continent, attempts at collective efforts of addressing the threat of terrorism in Africa already took place at the beginning of the 1990's. In regardless of the contentions surrounding the novelty of some of these changes, this narrative has gradually established itself and is serving as a basis not just for understanding the existing threats but also for the quest for the requisite remedies thereof. One of the enduring implications of these changes has been a re-examination of existing global peace and security structures and norms. A key dimension

⁹⁹Otiso, K. M. (2009). Kenya combatting counterterrorism locally and globally with e objectives, Vol. 1, Number 1.

of this re-examination has been the growing roles of the United Nations and regional organizations in managing crises either on their own or in collaboration with one another.¹⁰⁰

Inter-state cooperation was a vital aspect of the Convention. The latter took various dimension including refraining from participation in and providing any form of support to terrorist acts; to adoption of any legitimate measures to prevent the use of their territories for terrorist purposes; developing and strengthening methods of monitoring and detecting plans related to committing terrorist acts; developing and strengthening border control; strengthening the protection and security of specific entities and individuals against terrorist acts; encouragement of the sharing of information and know-how on terrorist acts and establishment of data bases and for the collection and analyses of information and data on terrorist elements, groups, movements, and organizations; arrest, try, and/or transfer perpetrators of terrorist acts, to mention just a few.¹⁰¹ Primarily, the threats and vulnerabilities arising from terrorism outweigh any of the existing frameworks and the capacities of many of the Member States or that of their regional or sub-regional organizations.³³ The prevalence of these threats is further compounded with poor social, political, security, and economic conditions of most African states rife with unemployment, poverty, illiteracy, etc.

Pockets of limited or “ungoverned spaces” in different corners of the continent create the enabling environment for breeding, training, and mobilization of terrorist groups. Furthermore, weak state capacities in these environments hamper counter-

¹⁰⁰Ibid

¹⁰¹Ibid (AU) combatting counterterrorism locally and globally by coming up with some objectives.

terrorism initiatives.³⁴ The prevailing crises in certain parts of the continent create an additional layer of insecurity as in the case of Sahel-Sahara belt and Somalia. These complex crises which have their own domino effects beyond the national borders, projects serious security challenges to their wider neighbourhood.

The AU and IGAD experience a number of common challenges which hold back the execution of effective CT strategies. These include the absence of effective criminal justice systems in their Member States; weak border control, coordination challenges (among different institutions and among member states); failure to designate national Focal Points of the ACSRT which is the continental coordinating organ for counter-terrorism. From a more operational or technical point of view, most member states lack the requisite technical capacity and know-how to conduct counter-terrorism effectively. At least in the case of IGAD, most Member States lack “a comprehensive Counter-IED (C-IED) strategy.”¹⁰²

Evidently, the many discussion in this paper reflect not just the state-of-the-art of counter-terrorism efforts in Africa but also the predicaments of implementing APSA in the wider sense. Extensive donor dependence is an important hurdle to implement APSA, wherein more than 90% of the peace and security budget is financed by external partners with clear implications for the sustainability of APSA and its interventions. Indeed, there is a striking similarity between the challenges of conducting effective counter terrorism in the continent and implementing APSA.¹⁰³

¹⁰² Ibid

¹⁰³ While these challenges have multiple implications on the outcome of the responses, two dimensions are worth highlighting, especially in relation to the theme of this workshop, in February 2004.

As successive APSA Assessment Reports indicated, Africa's continental peace and security framework is subjected to a broad range of challenges related to the absence of political will to utilize existing instruments, lack of coordination; limited role of CSOs; lack of harmonization of existing legal frameworks and decision making procedures, to mention just a few.⁵⁰ While these challenges have multiple implications on the outcome of the responses, two dimensions are worth highlighting, especially in relation to the theme of this workshop.

First, as a result of the collective effect of these problems, most interventions within the context of APSA have become ad hoc, erratic, and unsustainable, the latter due to the gross mismatch between needs and existing resources. To a large extent, military solutions to crises have prevailed over political solutions to most crises. It is within such complex context that African actors have forged a number of partnerships with external players with a view to address some of the prevailing challenges and to share the burden of addressing crises. Against this background, the next section examines the nature of partnership among the AU, IGAD, and EU in the realm of counter-terrorism.¹⁰⁴

EU's support to counter-terrorism in Africa assumed a number of dimensions and is based on a range of instruments and mechanisms. Perhaps the most prominent dimension of the cooperation is the support given to different peace support operations, some of them having specific counter-terrorism mandate¹⁰⁵. The Multinational Joint Taskforce (MNJTF), is established in 2015 to tackle the terrorist risk posed by Boko

¹⁰⁴Horn of Africa, the EU has increased its security cooperation, including in CT.

¹⁰⁵The MNJTF was mandated to carry out a number of tasks including "conducting military operations to prevent the expansion.

Haram within the framework of the Lake Chad Basin Commission (LCBC) and with full endorsement and retroactive formal authorization by the AU PSC.⁵⁶ The MNJTF was mandated to carry out a number of tasks including “executing military operations to curb the growth of Boko Haram and other affiliate terrorist groups’ undertakings and eliminate their presence”.¹⁰⁶.

In the Horn of Africa, the EU has increased its security cooperation, including in CT, through various mechanisms. Some of the existing EU missions (ESDP) such as the European Union Training Mission Somalia (EUTM) have the specific objective of supporting the security sector in Somalia. Among other things, the EUTM has been engaged on the provision of individual and specialized training to Somali National Army (SNA) soldiers as well as in enhancing the civilian personnel and parliamentary committees’ capacities in executing their functions within the country’s security sector.

In addition, the EU became one of the key actors in launching the violence prevention policy in September 2016 by providing technical assistance supporting the establishment of the plan and taking the helm of CVE-lead within the S-6, i.e. the six main security supporters in Somalia.⁶⁵ Moreover, the EU has provided support in P/CVE through different regional and country specific projects. Some of these P/CVE projects, such as the STRIVE project focused on countries such as Somalia, Kenya, and Ethiopia. Other projects have a regional dimension on the Horn of Africa region and focus on specific issues related to counter-terrorism. Cases in point are two of the EU funded

¹⁰⁶Purdy Margaret, “Countering Terrorism: The Missing Pillar,” in, *International Journal*, Vol. 60, No.1 (Winter 2004/2005), pp. 3-24.

projects on the region namely, “Law Enforcement capacity on counterterrorism in the Greater Horn of Africa and Yemen” and “Countering the financing of terrorism in the Horn of Africa”¹⁰⁷.

2.2.2 Civil Societies

The United Nation Strategy supports non-governmental organizations and civil society to be involved as appropriate on how to boost efforts to execute the Strategy especially the objective that help in counterterrorism in local levels, national levels and international level. Clearly, the field of counter-terrorism has emerged as a crowded policy field with many players, some having shifting priorities and competing preferred approaches. Different forms of counter-terrorism cooperation have evolved in Africa through the years, but none achieved the level of effectiveness and coordination among the different actors required to tackle the versatile techniques of the terrorists and their determined commitment. This is also true in the case of the cooperation between the EU on one side and different African regional organizations, including the AU and IGAD, on the other side.

Despite the number of areas of counter-terrorism cooperation mentioned in the paper, these regional and international players have not sufficiently coordinated their efforts at a continental level in a manner that benefits African states to effectively tackle the threat of terrorism. This is also the case in when it comes to the EU and its member states, as much of their engagement “have been with AU member states, not the commission”. To a large extent this is attributed to the AU’s lack of a coherent plan to combat terrorism. In addition,

¹⁰⁷Schimid, A. (2004). Frameworks for conceptualizing terrorism: terrorism and political violence Columbia: University Press

effective counter-terrorism cooperation among these actors is undercut by other factors such as member states reluctance to cede sovereignty on what they see as an issue of domestic security, and because EU member states' preference to deal directly with militaries they know well¹⁰⁸.

Information and intelligence sharing between governments has been erratic, and is generally perceived to be inadequate". Among other things, a prevailing trust deficit that is among countries found in the sub-region compound the above-mentioned challenges. Most importantly, over-reliance on external actors has been a teething problem in counter-terrorism both in the continental and sub-regional context. The combined effect of all these challenges have rendered the continent's counterterrorism being mainly as "mainly ineffective and unsustainable"¹⁰⁹.

2.2.3 Intergovernmental Authority on Development (IGAD)

Arguably, IGAD has been lauded as pioneering counter-terrorism cooperation in the sub-region. Reflecting this, the IGAD Task Force on Legal Cooperation against Terrorism in Sub-region, convened by the IGAD Security Sector Program (ISSP) and the Center on Global Counterterrorism ¹¹⁰. Cooperation (CGCC), characterized the sub-regional institution as one that has taken "a role in dealing with terrorism in horn of Africa more practical responsibility in strengthening cooperation against terrorism and transnational organized crime in East Africa and the Horn". The IGAD's role as a fore-runner in CT cooperation is similarly presented in a relative perspective as "more proactive in comparison with

¹⁰⁸Wilkinson, P; Stewart, A.M (1987). Contemporary Research on Terrorism. By University of Aberdeen Press, Aberdeen, United Kingdom. pp 144.

¹⁰⁹Asamoah, A. A. (2008). More importantly, the political vacuum and long-standing insecurity in Somalia has enabled various forms of terrorist and extremist elements to thrive in the country, 83(1), pp 87–100.

¹¹⁰de Londras, F. (2014). explaining IGAD's role in counter terrorism is the prevalence and gravity of terrorism in the region =2399477

other sub-regional organisations". As Jolyon Ford argued, that IGAD has helped some nations on the way to deal with terrorism through its way capacity building program since June 2003.

What helps in explaining IGAD's role in counter terrorism is the prevalence and gravity of terrorism in the region, along with other major security threats such as transnational organized crime and existing inter- and intra-state conflicts. Since 1993 Ethiopia, Kenya, and Uganda have encountered terrorist attacks emanating from radical organizations based in Somalia.²⁴ In the pre-9/11 era, two of Africa's landmark terrorist attacks, symbolized by the US Embassy bombings (in Nairobi and Dar es Salaam) took place in the heartland of the sub-region in Kenya and in its adjacent neighborhood Tanzania. More importantly, the political vacuum and long-standing insecurity in Somalia has enabled various forms of terrorist and extremist elements to thrive in the country.¹¹¹ These terrorist elements have increasingly projected regional vulnerability and threats to most of the countries in the IGAD region, enmeshing a complex interplay among the regional aspirations of some of these groups and the historical, political and security dynamics of some of the states in the sub-region.

Driven by the gravity of these threats and other sources of vulnerabilities, IGAD has developed a number of legal and institutional frameworks for addressing terrorism in the region as early as 2002. IGAD developed the IGAD Plan of Action for the Prevention and Combating of Terrorism in 2002. Among other things, the Plan of Action recognized the need for cross-border law enforcement and criminal justice activity to be placed

¹¹¹Kagwanja, P. (2006). More importantly, the political vacuum and long-standing insecurity in Somalia has enabled various forms of terrorist and extremist elements to thrive in the country, Issue 3, 72-86.

within a robust legal framework”¹¹²In 2006, IGAD launched the IGAD Capacity Building Program against Terrorism (ICPAT), a four-year program funded by EU and other donors.²⁷ ICPAT had its primary focus on capacity building and confidence building among the member states, and targeted the following five areas of counter-terrorism measures in judicial enhancement; promoting in the inter-agency coordination in counterterrorism with IGAD members; controlling the border enhancement; training provision, best practices and information sharing; corporation strategy sharing.

In 2009, the Ministers of justice of IGAD member states accepted on two draft conventions on extradition and mutual legal assistance. These conventions, which have been ratified so far by two-member states, provide “a strengthened framework for legal cooperation against terrorism in the sub-region”.¹¹³In October 2011, IGAD’s main counter-terrorism organ ICPAT, having a limited mandate of building national capacity to resist terrorism and promoting regional securing cooperation, was restructured into IGAD Security Sector Program (ISSP). This transformation was born out of the wide-ranging nature of the sub-region’s security threats and the ensuing demand for concerted, holistic, regional approach and collaboration among IGAD’s member states.³⁰ Within ISSP, Counter-terrorism has been embedded as one pillar, among other components namely Trans-national Organized Crime, Maritime Security, and Security Institutions Capacity Building. This pillar has the central objective of building national and regional

¹¹²Dr. Attalah H. Bashir, Within ISSP, Counter-terrorism has been embedded as one pillar, among other components namely Trans-national Organized Crime,” 20 September 2007. [On file with the Center on Global Counterterrorism Cooperation].

¹¹³Schmid, A. (2013). having a limited mandate of building national capacity to resist terrorism and promoting .

capacity of the Horn of Africa countries in the fight against terrorism, radicalization and extremists' violence ¹¹⁴

IGAD has recently launched the IGAD Centre of Excellence in Preventing and Countering Violent Extremism (ICEPCVE), based in Djibouti, with the main objective of promoting regional giving out of good practices and lessons learnt in curbing and opposing violent extremism initiatives and bringing together actors involved in P/CVE work in the region to ensure an inclusive and holistic approach.³² Over and above these current institutional and legal frameworks, IGAD and its member states also participate in various forms of counter-terrorism activities such as in peace ¹¹⁵operations such as AMISOM which has emerged as a critical element of fighting terrorist groups such as Al-Shabaab in Somalia.

African regional and sub-regional organizations have sought to establish different mechanisms of addressing the threat of terrorism in the form of legislations, norms, institutions, etc. Largely epitomes of earlier responses to a growing global threat, the mere presence of these elaborate mechanisms, however, should not mask the critical challenge of practically implementing these measures in the broader continental efforts of countering terrorism. To a large extent, the challenges of implementing these counter-terrorism mechanisms showcases the difficulties of implementing APSA in the wider sense and offer some explanation also for the latter's securitization and

¹¹⁴For a discussion of the Ethiopia-Eritrea conflict, see, e.g., Jason Mc Lure, "Dueling Dictators," *Newsweek*, 28 November 2007, www.newsweek.com/id/72707; "Ethiopia and Eritrea: Stopping the Slide to War," *International Crisis Group*, Africa Briefing No. 48, 5

¹¹⁵ Both the Lords Resistance Army and the Alliance of Democratic Forces are listed as terrorist organizations by Uganda and the US. For a discussion of the situation in Uganda, see, e.g., Anika Long, "A Survey of Terrorism and Human Rights in Uganda

militarization¹¹⁶African states, both in continental and sub-regional contexts, have failed to ratify some of the major protocols and conventions, resulting in a “generally poor and uneven pattern of ratification of counter-terrorism instruments”.³⁶ This can be illustrated, for example, by looking at the slow ratification of the 1999 OAU Convention on the Prevention and Combating of Terrorism Convention and its 2004 Protocol.^{117s}

Primarily, the threats and vulnerabilities arising from terrorism outweigh any of the existing frameworks and the capacities of many of the Member States or that of their regional or sub-regional organizations. The prevalence of these threats is further compounded with poor social, political, security, and economic conditions of most African states rife with unemployment, poverty, illiteracy, etc. Pockets of limited or “ungoverned spaces” in different corners of the continent create the enabling environment for breeding, training, and mobilization of terrorist groups. Furthermore, weak state capacities in these environments hamper counter-terrorism initiatives. The prevailing crises in certain parts of the continent create an additional layer of insecurity as in the case of Sahel-Sahara belt and Somalia. These complex crises which have their own domino effects beyond the national borders project serious security challenges to their wider neighborhood.

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¹¹⁶Thomas Dempsey, “Counterterrorism in African Failed States: Challenges and Potential Solutions,” *Strategic Studies Institute*, US Pa.Army War College, Carlisle, 2006, p. 8.

¹¹⁷Steve Bloomfield, “Somalia: The World’s Forgotten Catastrophe,” *The Independent*, 9 February 2008.

challenge of practically implementing these measures in the broader continental efforts of countering terrorism. To a large extent, the challenges of implementing these counter-terrorism mechanisms showcases the difficulties of implementing APSA in the wider sense and offer some explanation also for the latter's securitization and militarization.¹¹⁸

Similarly, there is lack of progress towards ratification of pertinent the IGAD treaties as well as slow domestication of protocols and policies. Cases in point are the slow ratification of IGAD's convention on mutual legal assistance and extradition which were drafted in 2009 and only ratified by two countries by 2017. The above also speaks and relates to a perennial problem of failure to implement the numerous conventions both at the continental and regional level¹¹⁹.

⁴⁰ A similar challenge also exists in the case IGAD, where its member states have more or less lagged behind in terms of implementing the various instruments.⁴¹ Given the disparity among its member states to implement these instruments, "much of the security cooperation instead takes place on a bilateral and largely ad hoc basis" in the IGAD region¹²⁰.

¹¹⁸ ICPAT Meeting Report, "Cases in point are the slow ratification of IGAD's convention on mutual legal assistance and extradition which were drafted in 2009- 2008..

¹¹⁹Cases in point are the slow ratification of IGAD's convention on mutual legal assistance and extradition which were drafted in 2009.

¹²⁰Ibid=65.

2.3 Conclusion

The chapter has discussed the various counterterrorism strategies that have been applied in Kenya to fight terrorism. The strategies included Military strategy, Police and Intelligence Assets, and Legislative and financial controls. The chapter has discussed their effectiveness in ensuring the terrorism vice is dealt upon with. In addition the chapter has also discussed how regional bodies have been of help as a strategy in fighting terrorism in Kenya. The role of African union, civil societies and IGAD has all been discussed.

CHAPTER THREE
ANALYSIS OF THE EFFECTIVENESS OF COUNTER TERRORISM
STRATEGIES IN KENYA

3.1 Introduction

This part demonstrates or focused on the assessment of the effectiveness of counter terrorism measures in Kenya. The chapter will specifically look at the various counterterrorism measures and how effective they have been in addressing the challenge of terrorism

3.2 Effectiveness of Counter Terrorism Measures in Kenya

3.2.1 Operation Linda Nchi

This refers to the coordinated movement of military operations that occurred between Kenya and Somali in a bid to fight the Al-shabaab. The operation lasted for 8 months from 16 October 2011 to 31 May 2012 where the military officers cracked down the Al-shabaab militants who had kidnapped tourist. Through the operation, Al-Shabaab was weakened, and Kenyan forces were later integrated into AMISOM. Many Al-Shabaab leaders were captured in the operation¹²¹. More than 6,000 Kenyan security personnel, including police were involved in the operation, and despite few casualties on the Kenyan side, more than 700 Al-Shabaab militants were killed and 61 captured. The operation was in partnership with IGAD, the AU, and the Ethiopian military. During the operation, the US Air Force also shared surveillance data with the Kenyan military and also assisted in the operation.

¹²¹ Ahmed Hadji 2011 The operation was in partnership with IGAD, the AU, and the Ethiopian military, 1/2014.

3.2.2 AMISOM Participation

Originated as IGASOM, the African Union Mission in Somalia is a lively (since 2007), regional peacekeeping mission operated by the AU with the approval of the UN in Somalia. As part of its mandate, AMISOM supports Somalia's military forces in their battle against Al-Shabaab militants. As at 2015, the troop strength was at 22, troops, with Kenyan contributing around 4,000. The troops were able to carry out several offensives against Al-Shabaab, killing many of them including their leaders¹²². In addition, the KDF and AMISOM were able to evict Al-Shabaab, from their stronghold in the central and southern portions of Somalia, especially the port city of Kisumayo and Mogadishu. This helped to grossly reduce the Al-Shabaab's financial resources, as the group lost import and export revenue due to the capture of the Ports which was the main source of income.

3.2.3 Countering the Financing of Terrorism

Kenyan belongs to the anti-money laundering group which is mostly concerned with the prevention of money laundering activities in Africa. The group has enabled Kenya to be in a position to implement its money laundering regulation especially in the terrorism regime. As a result, the country was delisted from the anti-money laundering scheme of the FATF. The Kenyan board concerned with NGO coordination was able to deregister 510 NGOs which engaged in illegal money activities and which failed to provide financial reporting and which were being suspected of supporting terror activities in Kenya.¹²³. The anti-money laundering activities have become so pronounced in Kenya as

¹²²GoK, Kenya Foreign Policy, November 2014, Retrieved 9 September 2016, from <http://www.mfa.go.ke/wpcontent/uploads/2016/01/Kenya%20Foreign%20Policy.pdf>

¹²³ Peter Kagwanja, "The Kenyan board concerned with NGO coordination was able to deregister 510 NGOs, 2006

a result of the support from the government and their involvement in reporting, evaluation and monitoring of the terrorist activities. The anti-money laundering activities have not been so successful due to inadequate resources such as finance and the personnel involved. The CBK has been in the frontline urging the citizens to always engage in transparent money transactions and avoid activities that are related to terrorism¹²⁴.

3.2.4 Partnership with the US

Since the aftermath of September 11, 2001, Kenya has been among the significant partner of the U.S and its allies in Africa on the Global War on Terror. This effort includes but not limited to training, sales of equipment, logistical support and exchange of strategic information. Deeper cooperation between the two nations is seen in the presence of Kenya as one of the 6 nations engaged in the U.S lead Security Governance Initiative (SGI). Kenyan security officers participated in many U.S led or sponsored programs featuring areas of crisis response, investigations, and prosecutions¹²⁵. The Antiterrorism Assistance program conducted by the U.S department of states for the East Africa Joint Operations exercise lasted for about four weeks featuring areas of crisis response training series and other areas. The partnership efforts of Kenya with developed states have enhanced the security systems at the entry ports of Kenya. This is evident by the presence of Personal Identification Secure Comparison and Evaluation System in the ports in Kenya. The law enforcers have continued to gain experience through regional

¹²⁴ Peter Kagwanja, "The Kenyan board concerned with NGO coordination was able to deregister 510-15.3, 2006

¹²⁵ Godfrey Buluma, "Al-Shabaab: The Threat To Kenya And The Horn Of Africa," United States Army War College, 2014

and international cooperation on territorial security and increase the state's CT capabilities.

3.2.5 Diplomatic Solutions

As having unstable neighbors has been one of the factors facilitating terror acts in Kenya, Nairobi has used the search for peace in Somalia and Sudan as the main diplomatic thrust of its CT effort. Kenya has made effort to ensure diplomatic talks as a strategy to deal with conflicts for a long time as seen in the case of Sudan and Somalia. The Somali-talks initiated in Eldoret and ended in Nairobi led to the recognition and institution of the TFG which enabled measurable peace to return in the country¹²⁶. The peace talks that happened in Sudan led to S. Sudan gaining independence. Although South Sudan later went into its own war, Kenya still played a great role through IGAD to resolve it. Kenya's strategy has been to stabilize Sudan, South Sudan and Somalia politically in order to change them into good neighbors whose safety will greatly enhance that of Kenya.

3.2.6 Counter Terrorism Strategies driven by NSAs

Some Kenyan Civil Society Organizations are actively working to counter terror and violent extremism in Kenya; this is aided largely by U.S-Kenya partnership and Kenya's partnership with other international entities. Some of them are Muslim for Human Rights, Supreme Council of Kenya Muslims, and Kenya Community Support Center (KECOSCE) etc. One key thing about their strategies is that through several programs, they are addressing some of the root causes of terrorism which are often tied

¹²⁶ Godfrey Buluma, "Al-Shabaab: The Threat To Kenya And The Horn Of Africa," United States Army War College, 2014

with poor socio-economic conditions of Kenyans, radicalization and violent extremism¹²⁷. Most of them also have programs that counter the propaganda messages of extremists and terrorists. They have remained key actors in engaging the community to recognize, understand, and act towards the prevention and mitigation of terror. Additionally, the organizations have helped in increasing the awareness and level of vigilance on terror or potential terror threat at both the local and community levels. In addition, they organize forums related to countering terror in partnerships with government and donor partners. Some of these forums are for the public, law enforcers and other CSO leaders, to better educate them about CVE. The CSOs also work with policing and justice institutions, and help to train many specifically on reporting of suspicious activities¹²⁸.

KECOSCE for example has programs that aim at enabling the Coast communities to counter the increasing radicalization within the coastal areas of Kenya; this is aided by enhancing the youth's terror-resilience ability. They also facilitate the organization of community groups and creation of continuous space for dialogue among the all members of the community from the law, justice or security enforcers to the rest members of the community¹²⁹. Further awareness on the effectiveness and importance to engage all members of the community on the ills of radicalization have been at the core focus of KECOSCE. Finally, KECOSCE trains the youths on business skills and empower them; and created an early warning and response mechanism to cushion sources of information, and monitor the activities of suspect groups and individuals.

¹²⁷ Lauren, Ploch., *Countering Terrorism in East Africa: The U. S. Response* (DIANE Publishing, 2011)

¹²⁸ Lauren, Ploch., *Countering Terrorism in East Africa: The U. S. Response* (DIANE Publishing, 2011)

¹²⁹ Cannon, B.J., (2016). Kenya made into action the counterterrorism strategies in 2003 and the protocol that were involved in the terrorism bill. 7(2), pp.23–37. DOI: <http://doi.org/10.15664/jtr.1235>

3.2.7 Regional and International Cooperation

Kenya made into action the counterterrorism strategies in 2003 and the protocol that were involved in the terrorism bill. Kenya has made contribution in term of providing troops to IGAD, COMESA and the east African community especially in areas that have been prone to terrorist activities. In addition, Kenya has been involved in the signing of the multilateral and bilateral agreements on how to combat terrorism. Further Kenya participated in heads of states meeting that were mostly concerned with counterterrorism especially the peace and security meeting of the AU, and others such as the EAC regional summit on peace and security. In addition, Kenya has also provided host to the military training from other countries with the sole focus on combating terrorism and doing away with the vice¹³⁰.

3.2.8. Legislation, Law Enforcement, and Border Security

Kenya has had various legislations on how to combat terrorism such as the anti-money laundering legislation which aimed at dealing with illegal transfer of money that is aimed at financing the terrorism activities in the country. This was achieved by a inter-ministerial task force which reviewed various legislations on terrorism and made recommendations on coming up with financial legislation that will be able to seal all the loopholes on financing terrorism. Further the government has invoked an NGO act which aimed at deregistering all the Muslim NGOs which were being accused of funding terrorist activities in the country.¹³¹ Despite the enactment of the terrorism laws along the country borders the measures have not been very effective due to inadequate training of

¹³⁰ Cannon, B.J., (2016). Kenya made into action the counterterrorism strategies in 2003 and the protocol that were involved in the terrorism bill: <http://doi.org/10.15664/jtr.1235>

¹³¹ Omelicheva, M. Y. (2010). Security Violations in the Context of Counterterrorism: An Analysis of the Post- Soviet Nations. *The International Journal of Human Rights*, 166- 188.

the security personnel as well as lack of adequate resources to implement the laws effectively.

3.3 Conclusion

The findings of this section pointed out that the objective two of this study i.e. examination of the effectiveness of counter terrorism mechanisms in Kenya, reveals that the sole military approach of counterterrorism have to a proved not very effective in fighting terrorism and has precipitated increased terror attacks. This mechanism has not succeeded due to failure to understand causes of terrorism and lack of counterterrorism mechanism that includes non-state actors.

CHAPTER FOUR
CHALLENGES INVOLVED IN COUNTER TERRORISM STRATEGIES
EMPLOYED IN KENYA

4.1 Introduction

This part analyses a critical study of the challenges involved in counter terrorism strategies employed in Kenya. The changing nature of terrorism activities both in the developed and developing countries makes it imperative to fully tackle this problem. Fears of advancement in weapons by terrorists to chemical, biological and nuclear weapons continue to be on the rise. As such, despite formulation of numerous strategies, the states and regions remain vulnerable to future terrorist attacks¹³². This thus shows that there exist challenges which act as a barrier to fully counter terrorism.

4.2 Challenges Involved in Counter Terrorism Strategies

The challenges that limit the implementation of counter terrorism strategies in Kenya include;

4.2.1 Inadequacy of Funds

According to Kiggundu, availability of adequate funds and resources is very crucial for the development of any particular firm. Particularly, those firms that are well funded experience minimal difficulties in adopting and implementing strategies¹³³. They are also able to fully expand their operations and accomplish their set objectives. Therefore, firms having low capital level struggle to survive and are usually at a high risk

¹³² Hafez, M. Martyrdom Mythology in Iraq: How Jihadists Frame Suicide Terrorism in Videos and Biographies. *Terrorism and Political Violence*, 19(1), (2007) 95–115

¹³³ Moses N.Kiggundu, "expand their operations and accomplish their set objectives 10, no. 6 (1991): 32-47.

of being insolvent and collapsing. In this regard, the main challenge facing the implementation of the counter terrorism strategies is due to inadequate funds. Though the Government of Kenya was found to allocate sufficient money through the annual budget in ensuring security is well maintained, the strategies still remain ill funded¹³⁴.

Davis argues that the main cause of this could be due to the mismanagement of funds in the police agencies themselves. The managers and those in charge of these strategies tend to use a larger portion of their funds to satisfy their self-interests¹³⁵. The organizations are therefore not able purchase the required resources and deploy additional personnel. This limits the ability to purchase modernized equipment and gadgets to curb the terrorist activities. Hence, the police welfare is relatively low which refers to their general conditions, not only in the work place but also their personal life. The police and security personnel were found out to have poor living and working conditions, which highly affected their efficiency and dedication to fully implement the counter strategies and to serve lawfully.

Despite the police being given a salary increment in the recent past, the salaries are still insufficient to cater for their needs. Police remuneration as compared to other security personnel and public servants, it is very low and this has been used by some of the officers as a justification for their engagement in criminal activities like corruption and facilitation of criminals. This raises the need to ensure that there is need to come up with mechanisms to ensure proper management of funds.

¹³⁴Holmes,L . “This limits the ability to purchase modernized equipment and gadgets to curb the terrorist activities ”. (Cheltenham: Elgar, 2007)

¹³⁵ J. Davis, Africa and war on Terrorism, (New York, Amazon, 2010).

4.2.2 Dealing with the Enemy Within

Kenya is faced with the challenge which involves with dealing with the enemy within their territories. The enemy within has executed a number of terror attacks which have gone undetected as the Kenyan defense forces tries their best to fight terrorist form within the borders and outside the country. It has been reported that the Alshabab is recruiting young Kenyans to join their ranks and later execute terrorist activities as they are well aware of how Kenya security system is. The youths who have been recruited by the terror group of the Alshabaab have come from the Somali populations as well as the non-Somali populations.

The films that have been released recently by the terror group have featured the non-Somali fighters who have been fluent in Swahili a language which is mostly used in Kenya for communication¹³⁶. The recruitment has been reported by the intelligence in Kenya severally which have come to happen later in form of terror attacks in the country. The people being recruited have known the recruiters through various terrorist networks that have circulated through the social media. An example of such people who have been recruited is two Kenyan girls who are at the early twenties and who have migrated to Syria with the main connection being the Islamic state of Iraqi and Kenya being used as the social network for the people being recruited.

¹³⁶ Ibid Holmes,L 2007.

4.2.3 Reaching a Consensus on Enactment of the Anti-Terrorism Bill

In Kenya the Muslim groups have been opposition to the terrorism bills that have been fronted by the parliament owing to the fact the bill was being sponsored by the United States of America. Most of the coastal politicians have opposed the bills and they have termed them as oppressing to the Muslim community. He politicians have not come into a consensus on how the bill should be implemented. Politicians and political parties have led mischief in the bill and they termed it as draconian and which has a certain motive towards a particular group of people and their communities.

4.2.4 Discrimination on the Basis of Race, Ethnicity and Religion in the Operations

The counter-terrorism measures have been biased towards a certain ethnic group living in certain areas of the country. This has presented a lot of challenges as there has been direct opposition towards such strategies. The counterterrorism activities in Kenya have been concentrated in the upper parts of the country and towards the Somali border, and also on the coastal strip which is inhabited by the Muslim Arab Swahili speaking communities¹³⁷. This has been met with a lot of resistance as the communities have seen it as discrimination towards them. There has been external arbitrary arrest of people who have been claimed to be involved in terrorist activities. There has been decrying in the selective application of law in matters to do with terrorism. In addition, there has been cold silence on which law should be applied in dealing with issue to do with terrorism¹³⁸.

¹³⁷ Jackson, R., *Writing the War on Terrorism: Language, Politics and Counter-Terrorism*. (Manchester, England: Manchester University Press, 2005).

¹³⁸ *Ibid* Holmes,L 2007.

As a result, the counterterrorism measures have not been effective in dealing with terrorism in particular areas of the country. This has been a challenge as terrorism is a national disaster and should be dealt with wholly and in all parts of the country.

4.2.5 Insufficient Training

Effective trainings aid in developing new police attitudes, skills and knowledge. This must endeavour to target the pre-existing misconceptions. However, assessment of most security personnel in crime prevention and control reveals that the lapses in adequately responding to crimes results mostly due to the police not being adequately remunerated and ill equipped for their delegated responsibilities. They are not fully aware that in the recent volatile environment, the terrorists are more advanced using modernized equipment and their plans are intelligently planned¹³⁹.

Davenport, and Saunders, argues that these problems may arise due to the policy makers catering for the police welfare such as through training programs. The trainings are thus minimal focusing mostly on riot drills and not mostly on paramilitary¹⁴⁰. Researchers have also confirmed the presence of low performance among the police agents. Also, the security agents have not been able to embrace use of modern technology in its operations. This is attributed to the fact that they are reluctant to change from the old manual ways. There is therefore low service delivery due to the slow pace in modernization of infrastructure and the failure to amend police regulations so as to allow for proper modernization of police operations.

¹³⁹ S. Pampinella 2014, minimal efforts to be vigilant especially in relation to terrorism, 17(4), (2016) 503-526.

¹⁴⁰ Terence Davenport, minimal efforts to be vigilant especially in relation to terrorism, 2000

4.2.6 Lack of Public Support

Also, it was established that lack of full cooperation from the community members is an issue. The communities mainly perceive the task of countering terrorism to be purely the work of the officers. Therefore, they make minimal efforts to be vigilant especially in relation to terrorism. This is despite the introduction of the “Nyumba Kumi” imitative which aims at promoting community members participation. Most of those appointed as the ambassadors are not conversant with their roles and do lack incentives for motivation¹⁴¹. The members of the public are also poorly trained on their role in policing as they have not fully appreciated their role in cooperating with the police so as to ensure that security prevails. Therefore, they do not cooperate with the security in providing vital information which will be helpful in combating terrorism in the region.

4.2.7 Increased Youth Radicalization

Another challenge that was found to deter effectiveness of the counter terrorism strategies in Kenya is increased youth radicalization. Radicalization acts to increase the number of terrorists operating in the region. Hence, the radicalization aims to exploit the existing fissures and fault lines including relative deprivation, high unemployment, lack of education, political marginalization¹⁴². After radicalization, the youth are taken to Somalia where they are equipped with the expertise, skill and trained to undertake terror activities. Hence, they become lethal and potentially harmful to citizens. They are recruited to perform terrorism thus making it difficult to completely eradicate terrorism.

¹⁴¹ H. Hassan, 2005. The UK government proposes a prevent strategy that is aimed at preventing youth radicalization (2015).

¹⁴² W. Kihara Andrew, Community Policing best way to arrest run away insecurity, Daily Nation, p. 12(2007).

According to Ploch though the terrorist attackers used to be foreign internationals in the early years, the terror groups prefer to recruit the youth groups from non-Muslim communities in order to raise little or no suspicions to the local security. The UK government proposes a prevent strategy that is aimed at preventing youth radicalization. According to this strategy, the community is sensitized on the basis and effects of radicalization. This may be through campaigns, dialogues, and intelligence systems which act to stop attacks and disorganize the terror activities¹⁴³.

4.2.8 Lack of Modern Technology

Davis postulates that curbing terrorism activities has been hardened greatly by the modernization of technology. Particularly, technology has been found to ease how the terrorists undertake their transactions such as media propaganda, money transfer, and communication and overall terrorist operations activities and attributed to the fact that Nairobi has significantly made strides in the technological advancement it makes it highly prone to the terrorist attacks. Additionally, the terrorists are able to familiarize themselves with the available counter strategies, and how to evade them¹⁴⁴. The non-availability of modern and sufficient equipment in the counter terrorism sectors tends to handicap it in terms of its law enforcement role. The inadequacy of facilities besides limiting the efficiency of the police also endangers life in case of occurrence of terror. This shows that despite their being resistance among some individuals, it is essential to modernize the activities at the anti-terrorism sectors.

¹⁴³ Krause, V. & Otenyo, E. Terrorism and the Kenyan public. *Studies in Conflict Terrorism*, 28(2), (2005) 99-112.

¹⁴⁴ E. C. Onyeozili, No matter how well the strategies have been formulated, without addressing these challenges, 1(1), (2005), 32-54.

4.3 Conclusion

This section reviewed the challenges facing the curbing of terrorism in Kenya. The challenges include inadequate funds, inadequate training, increased youth radicalization and lack of public support. No matter how well the strategies have been formulated, without addressing these challenges, it wouldn't be possible to counter this potential terrorist threat. The study will put across possible suggestions on how the effectiveness of these strategies may be enhanced. This research has established that both national and regional governments have confronted threat of terrorism in their respective countries, through a number of strategies that have had profound impacts in regards to national security and regional stability. These strategies range from military actions to legislative and financial controls. Police and intelligence assets have been deployed extensively to monitor, gather and act on information related to terror, and as a result secure homeland. The effectiveness of these strategies has been tested through subjection to a poll and a popular vote casted to determine the popularity of the strategy.

CHAPTER FIVE

DATA ANALYSIS, SUMMARY, CONCLUSION AND RECOMMENDATIONS

5.1 Introduction

This section provides the data analysis on the subject of the study. In addition, the chapter offers conclusion and recommendations on what should be done in enhancing the counterterrorism measures in the country and Africa as a whole.

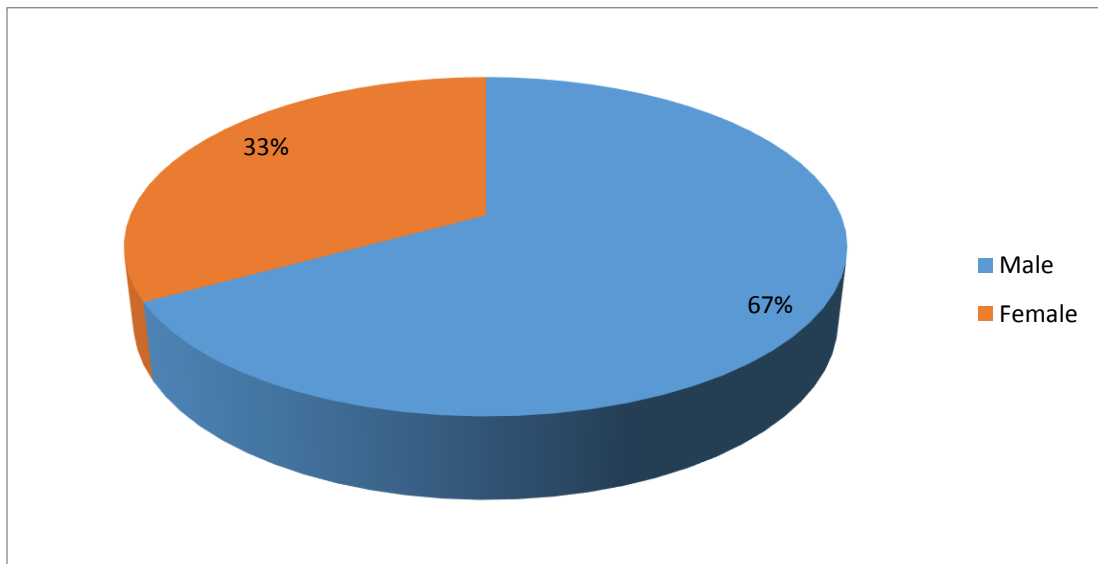
5.2 Demographic Information

This part presents the research findings on the targeted population data of the respondents. The findings are as shown in the subsequent sections.

5.2.1 Gender of the Respondents

The research inquired respondents to indicate their gender. The result findings are as shown in the figure below

Figure 1: Gender of the Respondents

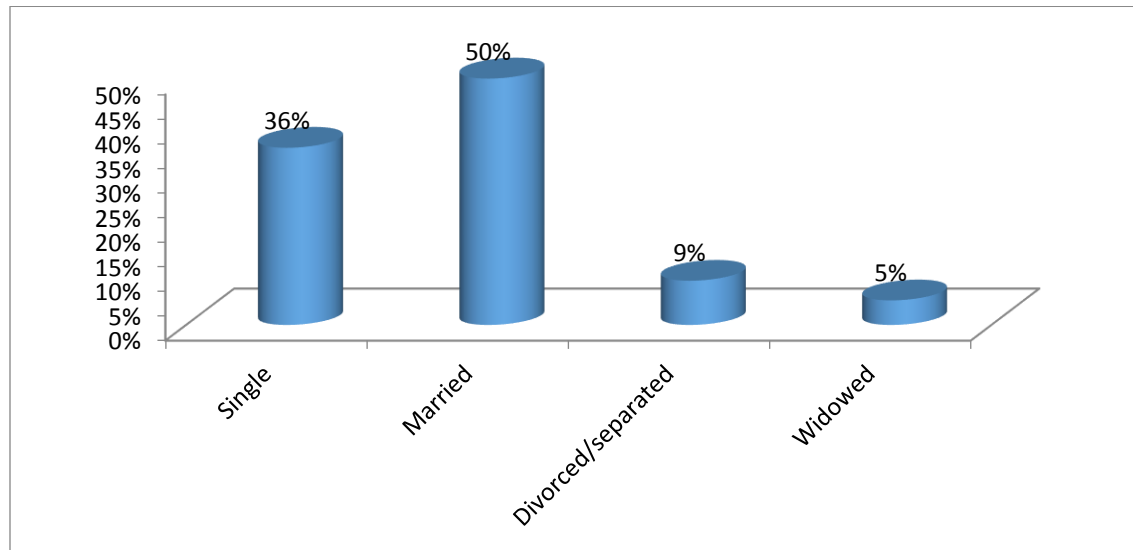


From the research findings most (67%) of the responses pointed out they were men, while 33% were females. This depicts that majority of the responses were males and thus most of the responses emanated from the male gender. This shows that most males were involved in curbing terrorism in Kenya and thus were well aware of the challenges involved in the process.

5.2.2 Respondent Marital Status

The researcher inquired respondents to point out their marital status. The result findings are as shown in the figure below

Figure 2: Respondent matrimonial Status



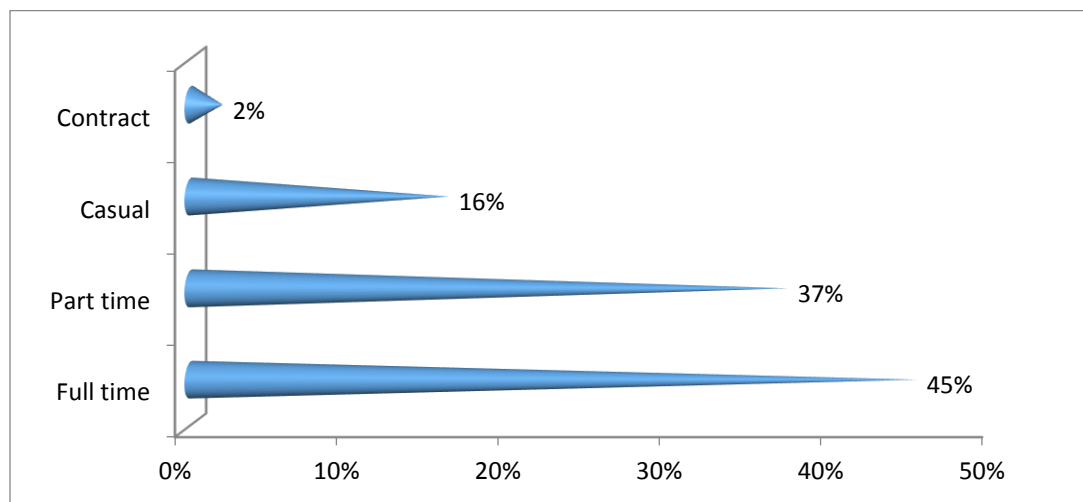
From the research finding most (50%) of the respondents pointed out that they are married, 36% indicated they were single, 9% indicated they were divorced/separated, while 5% indicated they were widowed. This depicts that majority of the respondents were married. This is important to the study in that married people were well aware of the

challenges involved in curbing terrorism specifically on issues of radicalization of their youths.

5.2.3 Respondents Occupational grade

The researcher requested respondent to indicate their occupational status. The results of findings are as shown in the figure below

Figure 3: Respondents Occupational Status

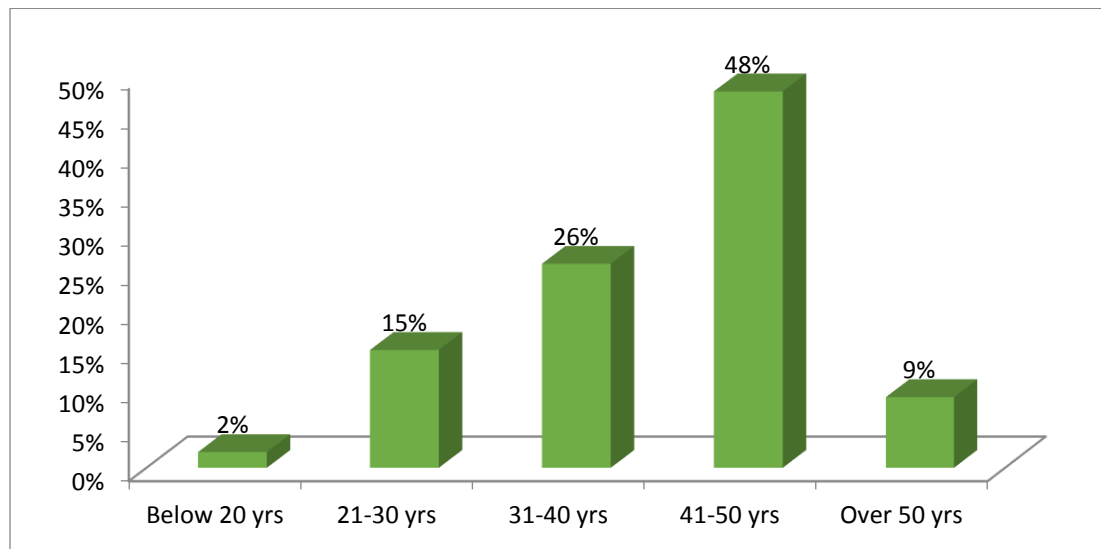


From the research most (45%) of the respondents point out their full-time occupation, 37% indicated part time, 16% indicated casual, while 2% indicated contract. This depicts that most of the respondents were full time employee in the institution and thus had ample information in relation to counterterrorism measures. This was important in that it helped the researcher to identify whether the respondents were fully involved in the countering of terrorist activities in the country.

5.2.4 Respondents Age Bracket

The surveyor inquired respondent to point out their age bracket. The result of the findings are as revealed in the figure below

Figure 4: Respondents Age Bracket

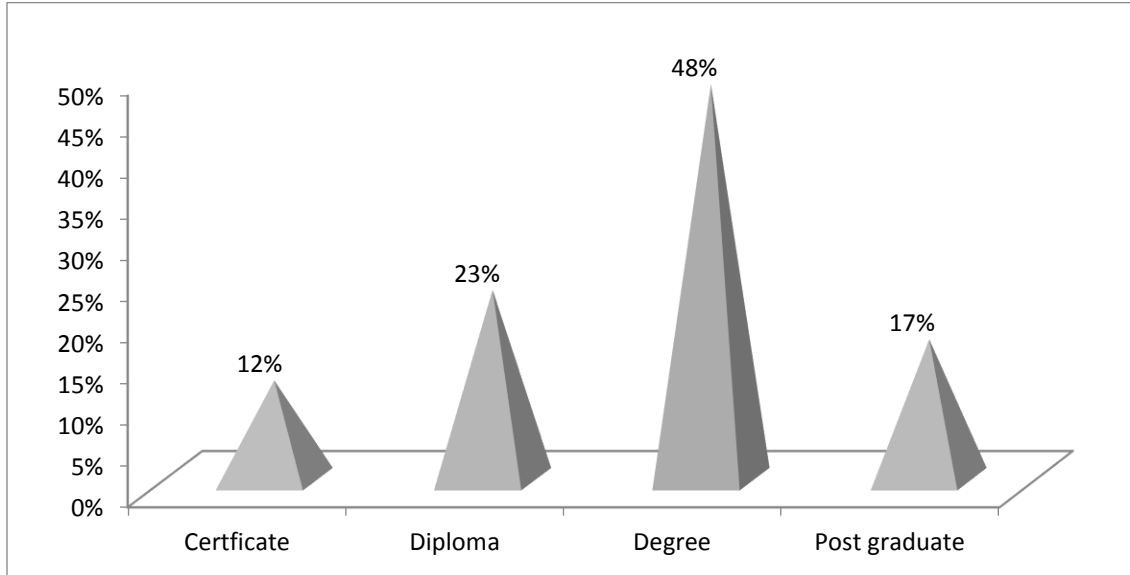


From the result of the research most (48%) were between 41-50 yrs, 26% indicated 31-40 yrs, 15% indicated 21-30 years, 9% indicated over 50 years, while 2% indicated less than 20 years. This depicts that most of the respondents were aged enough and thus could understand issues to do with counterterrorism measures. This was vital to the study as it informed the researcher whether the respondents had experienced terrorist activities for a long time and whether they had experience in the issues of terrorism.

5.2.5 Respondents Educational Level

The researcher inquired the respondent to point out their educational rank. The research findings are as displayed in the figure below

Figure 5: Respondent Educational Level

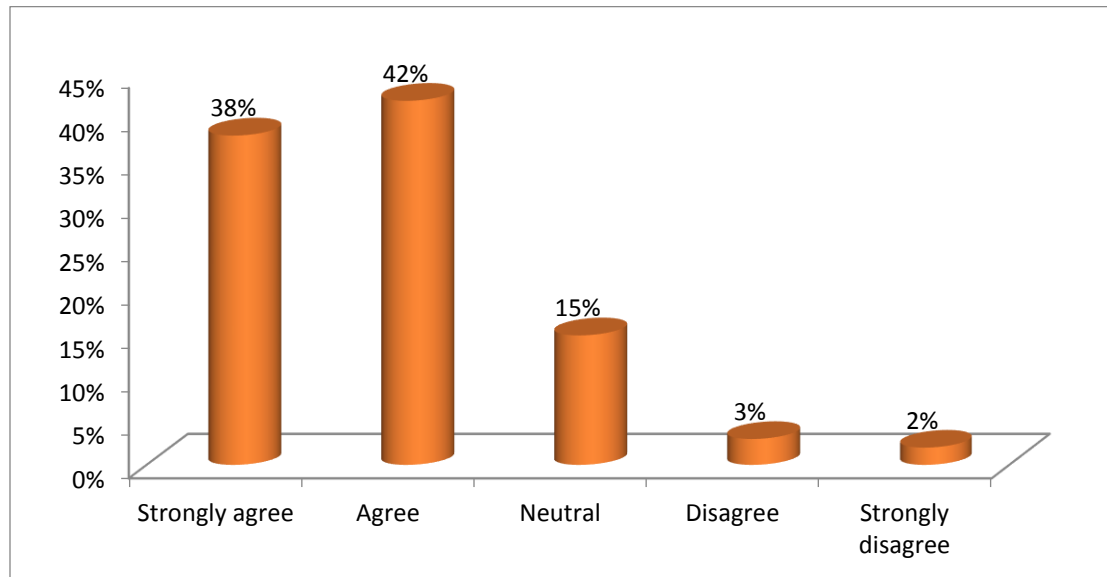


From the finding most (48%) of the respondents indicated that they had degree level of education, 23% indicated diploma level, 17% indicated postgraduate, while 12% indicated certificate level. This depicts that most of the respondents were learned enough to understand issues to do with counterterrorism measures applied in combating terrorism in Kenya.

5.3 Findings on Effectiveness of Counterterrorism Measures

The investigator requested respondent to point out the level of conformity on the effectiveness of the measures undertaken jointly by Kenya and the horn of Africa member states. The findings are as shown in the figure below.

Figure 6: Effectiveness of Counterterrorism Measures



From the result of the investigation most (42%) of the correspondent agreed that the measures undertaken jointly by Kenya and the horn of Africa member states were effective, 38% strongly agreed, 15% were neutral, 3% opposed, while 2% strongly opposed. This depicts that the measures undertaken jointly by Kenya and the horn of Africa member states were effective.

5.4 Extent of Agreement on effectiveness of Counterterrorism Measures in Kenya

The defendants were inquired to indicate the extent of conformity on statements relating to effectiveness of counterterrorism measures in Kenya. The research findings were assessed on a five likert scale 1-5 where 1=Very little extent, 2=little extent, 3=Moderate extent, 4=Great extent, and 5=Very large extent. The findings are as shown in the table below

Table 1: Extent of Agreement on Counterterrorism Measures in Kenya

Statements	Mean	Std. dev
Police and intelligence gathering constitute an integral part of state machinery in the fight against terror	4.12	0.1347
Police and intelligence services in Kenya remain a central pillar in war against terror	4.09	0.1867
The enforcement of law effectively and the gathering of intelligence has led to the disruption of terrorists' cells in Kenya and foiling of planned terrorist attacks directed to the country	3.74	0.1285
Lack of appropriate legislation has made Kenya a subject to the illegal transferring of money by the terror groups to execute terror activities in the country	3.68	0.1675
Military action has been an effective measure to counter-terrorism and finish the terrorist groups in the country	3.80	0.1862
Intelligence gathering and dissemination remain to be an invaluable asset in police operation as it forms the basis upon which police can detect an eminent crime and thwart it before it is actualized	3.99	0.1290

From the findings the defendant agreed to a huge extent that police and intelligence gathering constitute an integral part of state machinery in the fight against terror (mean=4.12), followed by police and intelligence services in Kenya remain a central pillar in war against terror (mean=4.09), intelligence gathering and dissemination remain to be an invaluable asset in police operation as it forms the basis upon which police can detect an eminent crime and thwart it before it is actualized (mean=3.99), military action has been an effective measure to counter-terrorism and finish the terrorist groups in the country (mean=3.80), the enforcement of law effectively and the gathering of intelligence has led to the disruption of terrorists cells in Kenya and foiling of planned

terrorist attacks directed to the country (mean=3.74), and that lack of appropriate legislation has made Kenya a subject to the illegal transferring of money by the terror groups to execute terror activities in the country (mean=3.68).

This depicts that to a great extent that police and intelligence gathering constitute an integral part of state machinery in the fight against terror. According to the KIIs Police and intelligence services in Kenya remain a central pillar in war against terror. Efficient law enforcement and increased intellectual gathering have led to the distraction of terrorists' cells in Kenya and foiling of planned terrorist attacks directed to the country.

5.5 Findings on the Function of International Community in Curbing against Terrorism

The defendant was inquired to point out the extent of conformity on statements relating to role of intercontinental community in helping Kenya curb regional terrorism. The research findings were assessed on a five likert scale 1-5 where 1=Very little extent, 2=little extent, 3=Moderate extent, 4=Great extent, and 5=Very great extent. The findings are as shown in the table below.

Table 2: Role of International Community in Fight against Regional Terrorism

Statements	Mean	Std dev
The AU has been active in countering terrorist mercenaries in the African continent	3.98	0.4387
AU has been instrumental in thwarting any terrorist attempt in the case where countries who are member of the AU have had less ability	4.11	0.4210
AU focus on fighting terrorism should be seen as an outside strategy from its new strategy in the African continent	3.58	0.4223
AU actions a catalyst has prompted members states to meet their mandate on fighting terrorism in the continent	3.80	0.4983
NGOs and several other government organizations have played an oversight position in the fight against terrorism in the African continent	3.77	0.4129
The marginalized and vulnerable groups have been offered a platform by the civil society organizations to address their grievances n relation to terrorism	3.68	0.4498
NGO s have had a role of ensuring that the counterterrorism measures do not violate human rights and ensure accountability among the forces implementing it	3.61	0.4230

From the findings the respondents agreed to a great extent that AU has been instrumental in thwarting any terrorist attempt in the case where countries who are member of the AU have had less ability (mean=4.11), followed by the AU has been active in countering terrorist mercenaries in the African continent(mean=3.98), AU actions a catalyst has prompted members states to meet their mandate on fighting terrorism in the continent (mean=3.80), NGOs and several other governmental

organizations who take part in an oversight role in the fight against terrorism in the African continent (mean=3.77), the marginalized and vulnerable groups have been offered a platform by the civil society organizations to address their grievances in relation to terrorism(mean=3.68), NGOs have had a role of ensuring that the counterterrorism measures do not violate human rights and ensure accountability among the forces implementing it (mean=3.61), and that AU focus on fighting terrorism should be seen as an outside strategy from its new strategy in the African continent(mean=3.58). This depicts that to a great extent that AU has been instrumental in thwarting any terrorist attempt in the case where countries who are member of the AU have had less ability.

The KIIs indicated that in the context of the African continent, attempts at collective efforts of addressing the threat of terrorism in Africa already took part at the beginning of the 1990's. Despite the contentions surrounding the novelty of some of these changes, this narrative has gradually established itself and is serving as a basis not just for understanding the existing threats but also for the quest for the requisite remedies thereof. One of the enduring implications of these changes has been a re-examination of existing global peace and security structures and norms.

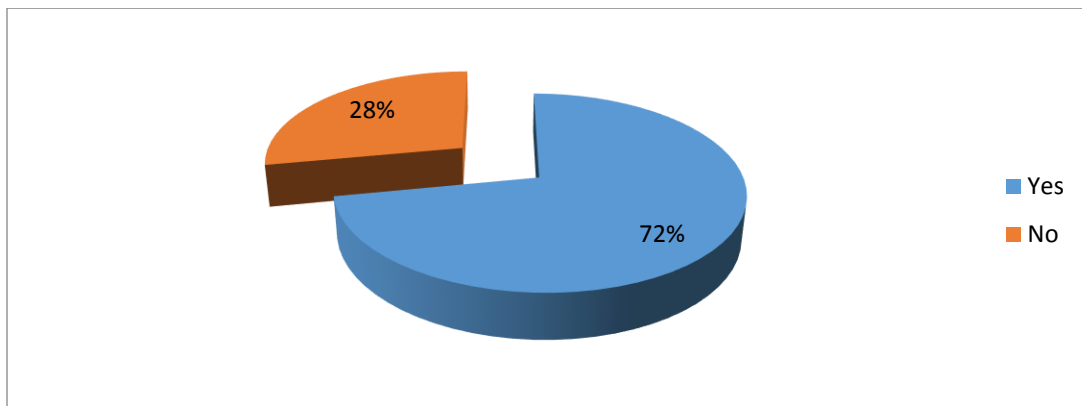
A key dimension of this re-examination has been the growing roles of the United Nations and regional organizations in managing crises either on their own or in collaboration with one another. Pockets of limited or "ungoverned spaces" in different corners of the continent create the enabling environment for breeding, training, and mobilization of terrorist groups. Furthermore, weak state capacities in these environments hamper counter-terrorism initiatives. The prevailing crises in certain parts of the continent create an additional layer of insecurity as in the case of Sahel-Sahara belt and

Somalia. These complex crises, which have their own domino effects beyond the national borders, project serious security challenges to their wider neighborhood

5.6 Challenges in Curbing Terrorism

The changing nature of terrorism activities in both developed and undeveloped countries makes it imperative to fully tackle this problem. Fears of advancement in weapons by terrorists to chemical, biological and nuclear weapons continue to be on the rise. As such, despite formulation of numerous strategies, the states and regions remain vulnerable to future terrorist attacks. This thus shows that there exist challenges which act as a barrier to fully counter terrorism. The respondents were inquired to point out whether they encounter challenges in the fight against terrorism in Kenya. The findings are shown in the figure below.

Figure 7: Encountering of Challenges in Fight against Terrorism



From the opinion most (72%) of the respondents showed that they encounter challenges in the fight against terrorism in Kenya while 28% were of the contrary opinion. This depicts that the respondents encounter challenges in the fight against terrorism in Kenya.

5.7 Extent of Agreement on Challenges Encountered in Curbing Terrorism

The researcher inquired respondents to point out their extent of conformity on challenges encountered in curbing terrorism. The research findings were placed on a five likert scale 1-5 where 1=Very little extent, 2=little extent, 3=Moderate extent, 4=Great extent, and 5=Very great extent. The findings are as shown in the table below

Table 3: Extent of Agreement on Challenges Encountered in Curbing Terrorism

Challenges	Mean	Std. dev
Insider threat	3.65	0.6218
Inadequate funding	4.28	0.6432
Inadequate training	4.12	0.6239
Shortage of law enforcement officers	3.77	0.6832
Unclear definition of law	3.50	0.6001

The results as shown by Table 4.4 indicate that the most faced challenge was inadequate training and inadequate funding in the security organizations. These tend to act as a limit barrier in not only acquiring but also utilizing modern terrorism equipment. However, unclear definition of law was the least experienced challenge showing that there were no legal barriers in the implementation of the counter terrorism strategies. In a similar way, Opon, on study on the immigration border control discovered that the human resource is amongst the main challenges facing counter terrorism in Kenya. The research initiated that the interviewee in the security agencies were not adequately trained, had

poor working conditions, no sufficient working tools and no attractive remuneration¹⁴⁵ Therefore insufficient training and lacking the necessary resources makes countering terrorism difficult as they are mismatched as compared to modernized equipment of the terrorist attackers; While a study by Oino and Sorre, further added that lack of adequate funding and lack of well-coordinated efforts was the greatest hindrance in compacting terrorist acts in the country¹⁴⁶

5.8 Summary

Kenya has in the recent past experienced security threats of varying forms and intensities. Despite numerous attempts being made in countering terrorism through counterterrorism strategies, Kenya and the East Africa still remains vulnerable to future terrorist attacks. The study therefore sought to determine the counter terrorism strategies in East Africa: a case of Kenya

5.8.1 Counterterrorism Measures

The research established that most of the respondents was sensitive of the various forms of counterterrorism measures in Kenya. In addition, the study established that the most applicable counterterrorism measure was use of police and intelligence. The study also found that there were international responses to terrorism in Kenya. The study further established that the measures undertaken jointly by Kenya and the horn of Africa member states were effective. The study found that to a great extent that police and intelligence gathering constitute an integral part of state machinery in the fight against

¹⁴⁵ D. O. Opon, P.G. Okoth and K. Onkware, Immigration Border Control Human Resource Challenges and Opportunities Affecting Counter-terrorism Strategies in Kenya, *International Journal of Education and Research*, 3 (5), 301, 2015.

¹⁴⁶ P. Oino and B. Sorre, *Impact of Terrorism on the Society: The Kenyan Experience*, <http://ir.mu.ac.ke:8080/xmlui/bitstream/handle/123456789/1862/Peter%20Oino.pdf>, 2014.

terror. The study further found that to a great extent that AU has been instrumental in thwarting any terrorist attempt in the case where countries who are member of the AU have had less ability.

5.8.2 Challenges Encountered in Curbing Terrorism

The study established that the respondents encounter challenges in the fight against terrorism in Kenya. The study also found that the most faced challenge was inadequate training and inadequate funding in the security organizations. These tend to act as a limit barrier in not only acquiring but also utilizing modern terrorism equipment. However, unclear definition of law was the least experienced challenge showing that there were no legal barriers in the implementation of the counter terrorism strategies

5.9 Conclusion

Terrorism is now deliberated as the paramount danger to peace globally. And as such government agencies and international bodies have a responsibility to undertake all essential action to safeguard human rights within and without the country's jurisdiction from extremism. National counterterrorism strategies must contribute to, rather than undermine, these policy objectives. The study concludes that police and intelligence gathering constitute an integral part of state machinery in the fight against terror.

The study thus concludes that to prevent conflicts and by extension terrorism then priority must be given in addressing underlying root causes of conflicts such as poverty, unemployment, human rights violation, injustice, corruption, marginalization and impunity. The study also concludes that inadequate training and inadequate funding in the security organizations derails the strategies of curbing terrorism in Kenya. These tend

to act as a limit barrier in not only acquiring but also utilizing modern terrorism equipment. However, unclear definition of law does not most affect the counterterrorism strategies showing that there are no legal barriers in the implementation of the counterterrorism strategies.

5.10 Recommendation

Based on the study's findings, the research formulates a number of suggestions. To begin with, the study recommends that the security agents should put measures to ensure increased public participation in countering terrorism. Additionally, the study recommends audit and scrutiny of the security agencies so as to ensure that they are well capable and trained for their respective positions. More so the study also recommends law makers to strengthen laws against terrorism and also formulate others in relation to the changing capacity of terrorism today and its activists. Since all successful counter-radicalization and counter-extremist initiatives are local, the study recommends that there is an opportunity for county governments to address radicalization through preventive measures of livelihoods investments in youth at risk. Additionally, this study recommends diversification in counterterrorism strategies put in place. As such, both traditional and nontraditional strategies such as diplomacy and legislations may all be used in combating terrorism.

5.11 Suggested Areas for Further Studies

Despite the study accomplishing its objectives, the following areas arose and necessitate further studies.

- The research proposes that a comparative survey to be conducted in other countries such as Nigeria and Tanzania. This will enable the determination of any similarities and dissimilarities and also strengthen the fight against terrorism in Africa
- To conduct further studies at a different time frame so as to determine whether the situation would have changed

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APPENDICES

APPENDIX I: QUESTIONNAIRE

Respondent profile

1. Gender

Female [] Male []

2. Marital status

Single [] Married []

Divorced/Separated [] Windowed []

3. Occupational status

Full time [] Part time [] Casual [] Contract []

4. Age bracket in yrs

< 20 [] 21-30 [] 31-40 []

41-50 [] > 50 []

5. Educational level

Certificate [] Diploma [] Degree []

Post graduate [] other specify.....

SECTION B: Counterterrorism Measures

6. Are you aware of various forms of counterterrorism measures in Kenya?

Yes [] No []

7. Which forms of counterterrorism measures are most applicable in Kenya?

Military intervention []

Legislation and finance []

Use of police and intelligence []

Any other (specify)

8. In your opinion, is there any international response to terrorism in Kenya?

Yes No

9. The measures undertaken jointly by Kenya and the horn of Africa member states are highly effective

Strongly agree Agree Neutral Disagree Strongly Disagree

10. To what extent do you agree on the following statements relating to counterterrorism measures in Kenya? Where 1=Very little extent, 2=little extent, 3=Moderate extent, 4=Great extent, and 5=Very great extent.

Statements	1	2	3	4	5
Police and intelligence gathering constitute an integral part of state machinery in the fight against terror					
Police and intelligence services in Kenya remain a central pillar in war against terror					
The enforcement of law effectively and the gathering of intelligence has led to the disruption of terrorists cells in Kenya and foiling of planned terrorist attacks directed to the country					
Lack of appropriate legislation has made Kenya a subject to the illegal transferring of money by the terror groups to execute terror activities in the country					
Military action has been an effective measure to counter-terrorism and finish the terrorist groups in the country					
Intelligence gathering and dissemination remain to be an invaluable asset in police operation as it forms the basis upon which police can detect an eminent crime and thwart it before it is actualized					

11. Has the military action and intelligence enhanced efforts to combat terrorism in Kenya and horn of Africa, explain?

.....

.....

.....

12. To what extent do you agree on the following statements relating to the role of international community in helping Kenya fight regional terrorism? Where 1=Very little extent, 2=little extent, 3=Moderate extent, 4=Great extent, and 5=Very great extent.

Statements	1	2	3	4	5
The AU has been active in countering terrorist mercenaries in the African continent					
AU has been instrumental in thwarting any terrorist attempt in the case where countries who are member of the AU have had less ability					
AU focus on fighting terrorism should be seen as an outside strategy from its new strategy in the African continent					
AU actions a catalyst has prompted members states to meet their mandate on fighting terrorism in the continent					
NGOs and several other civil society organizations have played an oversight role in the fight against terrorism in the African continent					
The marginalized and vulnerable groups have been offered a platform by the civil society organizations to address their grievances n relation to terrorism					
NGO s have had a role of ensuring that the counterterrorism measures do not violate human rights and ensure accountability among the forces implementing it					

SECTION C: Challenges Encountered in Curbing Terrorism

13. Do you encounter challenges in the fight against terrorism in Kenya?

Yes No

14. To what extent do you agree with the following challenges encountered in curbing terrorism? Where 1=Very little extent, 2=little extent, 3=Moderate extent, 4=Great extent, and 5=Very great extent.

Challenges	1	2	3	4	5
Insider threat					
Inadequate funding					
Inadequate training					
Shortage of law enforcement officers					
Unclear definition of law					

15. What other challenges do you think affects the counter terrorism strategy in Kenya?

.....

.....

.....

THANK YOU SO MUCH FOR PARTICIPATING

APPENDIX II: INTERVIEW GUIDE

1. What is your age?
2. What is your education level?
3. How long have you worked with your current institution?
4. Have you been involved in counterterrorism initiatives in Kenya?
5. Describe the various counterterrorism measures used in Kenya to counter terrorism acts?
.....
.....
.....
6. Describe the role of Africa union, and other regional bodies in dealing with terrorism in Kenya and Africa as a whole?
.....
.....
.....
7. How has the Police and Intelligence Assets been applied in dealing with terrorism in Kenya?
.....
.....
.....
8. Describe how Kenya’s Regulatory Frameworks have been applicable in dealing with terrorism acts in Kenya?

.....
.....
.....

9. What recommendations can be proposed to deal with incidences of terrorism in Kenya and Africa as a whole?

.....
.....
.....

Thank you

APPENDIX III: RESEARCH AUTHORIZATION PERMIT



NATIONAL COMMISSION FOR SCIENCE, TECHNOLOGY AND INNOVATION

Telephone: +254-20-2213471,
2241349,3310571,2219420
Fax: +254-20-318245,318249
Email: dg@nacosti.go.ke
Website : www.nacosti.go.ke
When replying please quote

NACOSTI, Upper Kabete
Off Waiyaki Way
P.O. Box 30623-00100
NAIROBI-KENYA

Ref. No **NACOSTI/P/18/75640/23761**

Date: **10th July, 2018**

Mutinda Mutisya Kyule
University of Nairobi
P.O. Box 30197-00100
NAIROBI.

RE: RESEARCH AUTHORIZATION

Following your application for authority to carry out research on "*Assessment of counter terrorism strategies in East Africa: A case of Kenya*" I am pleased to inform you that you have been authorized to undertake research in **Nairobi County** for the period ending **10th July, 2019**.

You are advised to report to **the County Commissioner and the County Director of Education, Nairobi County** before embarking on the research project.

Kindly note that, as an applicant who has been licensed under the Science, Technology and Innovation Act, 2013 to conduct research in Kenya, you shall deposit **a copy** of the final research report to the Commission within **one year** of completion. The soft copy of the same should be submitted through the Online Research Information System.


BONIFACE WANYAMA
FOR: DIRECTOR-GENERAL/CEO

Copy to:

The County Commissioner
Nairobi County.


The County Director of Education
Nairobi County.

THIS IS TO CERTIFY THAT:
MR. MUTINDA MUTISYA KYULE
of UNIVERSITY OF NAIROBI , 1410-90155
Kangundo, has been permitted to
conduct research in Nairobi County

on the topic: **ASSESSMENT OF
COUNTER TERRORISM STRATEGIES IN
EAST AFRICA: A CASE OF KENYA**

for the period ending:
10th July,2019


Permit No : **NACOSTI/P/18/75640/23761**
Date Of Issue : **10th July,2018**
Fee Received : **Ksh 1000**




[Signature]
Director General
**National Commission for Science,
Technology & Innovation**

CONDITIONS

1. The License is valid for the proposed research, research site specified period.
2. Both the License and any rights thereunder are non-transferable.
3. Upon request of the Commission, the Licensee shall submit a progress report.
4. The Licensee shall report to the County Director of Education and County Governor in the area of research before commencement of the research.
5. Excavation, filming and collection of specimens are subject to further permissions from relevant Government agencies.
6. This License does not give authority to transfer research materials.
7. The Licensee shall submit two (2) hard copies and upload a soft copy of their final report.
8. The Commission reserves the right to modify the conditions of this License including its cancellation without prior notice.



REPUBLIC OF KENYA



**National Commission for Science,
Technology and Innovation**

**RESEARCH CLEARANCE
PERMIT**

Serial No.A 19245

CONDITIONS: see back page

APPENDIX IV: ORIGINALITY REPORT

Counter Terrorism Strategies in E.A

ORIGINALITY REPORT

8%	5%	2%	5%
SIMILARITY INDEX	INTERNET SOURCES	PUBLICATIONS	STUDENT PAPERS

PRIMARY SOURCES

1	Submitted to Mount Kenya University Student Paper	1%
2	Submitted to Kenyatta University Student Paper	1%
3	chss.uonbi.ac.ke Internet Source	1%
4	Submitted to University of Nairobi Student Paper	<1%
5	globalcenter.org Internet Source	<1%
6	www.globalct.org Internet Source	<1%
7	Submitted to University of Leicester Student Paper	<1%
8	repository.smuc.edu.et Internet Source	<1%
9	se1.isn.ch Internet Source	<1%